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RESOLVES

OF THE

STATE OF MAINE.

JANUARY, 1838.



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RESOLVES
OF THE
EIGHTEENTH LEGISLATURE
OF THE
STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE THIRD DAY OF JANUARY, AND ENDED ON
THE TWENTY-THIRD DAY OF MARCH, ONE THOUSAND
EIGHT HUNDRED AND THIRTY-EIGHT.

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CIVIL GOVERNMENT
OF THE
STATE OF MAINE,
FOR THE
POLITICAL YEAR, 1838.

EDWARD KENT,
GOVERNOR.

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<i>Waterville,</i>	Calvin Gardner.
<i>China,</i>	Timothy F. Hanscom.
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<i>Livermore,</i>	Samuel B. Holt.
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<i>Kingfield &c.,</i>	John B. Welcome.
<i>Pittsfield &c.,</i>	John Webb.

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<i>Exeter &c.,</i>	Noah Barker.
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<i>Camden,</i>	Ebenezer Thorndike.
<i>Freedom &c.,</i>	John True.

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WILLIAM D. LITTLE, of Portland, *Assistant Clerk.*

JOHN HANSCOM, of Lisbon, *Messenger.*

WM. E. KIMBALL, *Assistant Messenger.*

JOHN K. L. BAKER, of Portland, *Page.*

The Clergymen of Augusta and Hallowell officiate as Chaplains in rotation.

ADDRESS
OF THE
GOVERNOR OF THE STATE OF MAINE
TO
BOTH BRANCHES OF THE LEGISLATURE.

FELLOW CITIZENS OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES :

It is a source of great gratification that, in assuming the honorable and responsible office to which I have been elected by my fellow citizens, I can congratulate you, and them, upon the continued health we have enjoyed, and the benignant smiles of Providence upon the labors of the husbandman.

It would afford me much satisfaction if I could also congratulate you and them upon the continued prosperity of our country, and the natural and satisfactory results which have heretofore attended the enterprise, intelligence and vigorous action of the American people, in their various departments of labor. But it is a fact too obvious to be disguised, and too serious to be overlooked, that a change has come over the long continued prosperity of this people, and that a check has been given to enterprise and exertion in public works and private operations, which has produced and is producing embarrassment, derangement and distress in the business and prospects of a large portion of our people.

It is a sad and disheartening spectacle to see a young, vigorous and strong nation, with powers and capacities of almost unlimited extent, in a time of profound peace, when all the causes of national and individual wealth were in full operation, when industry was reaping its reward, and contentment and satisfaction were the attendants of exertion—suddenly struck down from this palmy state of prosperity and happiness, to suffer all

the evils of suspended action, deranged currency, general distress, commercial embarrassment and individual ruin. It is natural that men should ask and seek for the cause of such revulsions ; and that they should, with the independent spirit of freemen, hold those to whom power has been delegated, responsible for their acts in producing such calamitous results.

A free and enlightened people will yield a generous confidence and rational support to the government of their choice, but they will never surrender the right to investigate fully, and judge impartially, the tendency and effect of public measures upon the prosperity of the country. Whoever supposes or hopes that such a people will follow without hesitation, or adopt without investigation, any course which may be pointed out by those in whom they have confided, simply because it originated with a particular party, will sooner or later ascertain that he has mistaken the genius and spirit of our constitution, and the character of this people.

The calm judgment of the whole people is the tribunal before which the acts of public men must pass in review; and it is a tribunal which can seldom long be deceived, and never can be corrupted.

The chaotic state of the currency of the United States is a topic of intense interest and free investigation; and while the fact is admitted by all, and the fatal effects of this derangement are obvious and uncontradicted, the cause and the remedy are subjects of immediate and pressing attention.

Without pretending to be able and skilful financiers, or capable of fathoming all the deep researches of those who are, the great mass of the people well know and remember, that six years since, this nation enjoyed a currency unsurpassed in the history of the commercial world. It united the security of the precious metals and the convenience of paper. It was convertible at any moment into gold and silver, and had obtained the confidence of the whole community. It was a currency which answered the great purposes of commercial exchange, possessing an equal and convertible value in every part of our widely extended land, and enabling sections most distant from

each other to negotiate with ease and safety. When it was deemed expedient by Government to change or destroy it, all practical men admitted that we then enjoyed a safe, sound and highly convenient currency, which could hardly be improved, and might be impaired, or destroyed, by sudden changes or ill considered schemes of improvement. The events of the last year have fully demonstrated that the predictions and fears of those who anticipated evil from untried and uncertain experiments upon the currency of the country, were not the mere assertions and prophecies of zealous opponents, but the far reaching views of experienced statesmen, anxious to preserve what experience had proved salutary and useful.

It is undoubtedly true that there is a disposition in the community to attribute to the action of Government effects which are the result of other causes. But when, as in the instance before us, the General Government avowedly undertook to interfere and to change the fixed and delicate operations of the monetary system, by a new and untried experiment, with the promise of equally favorable results, and when predicted effects have resulted from the causes in operation, it seems just and proper that the people should hold their rulers responsible for the evils which have come upon them.

I should be most happy, if it was in my power to suggest for your consideration a course of State legislation calculated to relieve the community and restore again a sound currency, and the regular operations of commercial intercourse. But it seems to me plain that, as the evils have come upon us by the action of the General Government, we must look to the same source for the legislation which shall relieve us. A currency to answer the great ends for which it is designed, must be *National* in its character, and it is in vain to expect that the independent action of twenty-six different governments can ever produce a uniform or wholesome state, without more concert of action than can ever be hoped in their legislation. The remedy for this National evil must be found in National legislation.

It is in vain, therefore, for the people to look to their State

governments for relief, but their wishes and demands must be carried to the halls of Congress, where alone the power exists to remedy the evil under consideration.

I am aware that the existence of this beneficial power is denied, upon the authority of men high in office; but I cannot yield my assent to propositions which regard government as created merely for its own sake, and destined mainly to collect revenue, in a currency of its own, to enable it to carry on its operations and pay its officers. Government, as republicans understand it, is created not as an end, but as a means of advancing the interests, maintaining the rights, and protecting the property and the persons of the people; and those who are the incumbents of its offices are not a privileged class, for whose benefit and support exactions are made upon the people, but agents to carry forward and foster the great objects it has in view, the prosperity and happiness of the whole community.

It is peculiarly unfortunate, after a long series of experiments upon the subject, without doubt or hesitation, when these experiments have failed, and the old institutions are broken up, and we are in the midst of doubt, confusion and embarrassment, and are looking with anxiety for relief to our National government, that those who administer it should be unexpectedly doubtful of their authority, and scrupulous of using the means in their power, and that those doubts should be carried to the extent of proposing a separation between the government and the people, in the matter of currency. It is in the power of Congress to make this separation, by compelling the payment of all dues to the government in gold and silver, dissolving all connection with banks, and making each collecting officer a special depositary; thus extending most alarmingly executive patronage and power, and leaving the people to manage as they are able, with a depreciated or a fluctuating paper currency. But it may well be doubted whether, by such a course, the great object for which government was constituted will be answered, or whether a thinking people will long consent to a scheme which must benefit the few, to the injury and distress of the many.

A Government which aims at nothing higher than to sustain itself, as an independent or even antagonist power to the people which created it, and which regards no other view than to keep itself in motion, is not such a government as our fathers instituted, and we ought to enjoy. The great and leading object of good government is the welfare of the people, and the operations of its machinery are only important as they subserve those ends. The interests of such a government and those of the people, are one and inseparable. One currency for the people and another for the government and its officers, would be absurd as well as ruinous. I regard it as clearly within the power, as it is clearly the duty, of the general government, to take care of the national currency, and to adopt those measures which shall speedily and surely restore to us a sound and healthy circulation; which will be doubly welcome and valued from the sufferings we have experienced since its destruction.

The recent demonstrations of the popular will clearly point to this duty on the part of our national rulers, as one demanding prompt and efficient action; and we have a right to expect that those who profess obedience to the popular will, as a cardinal principle of action, will follow without hesitation the course demanded by the voice of the people.

In the course of untoward events, occurring under the unfortunate system pursued, a general suspension of specie redemption by the banks was almost simultaneously adopted in the different States, in the month of May last, and such suspension has been continued until this time.

The course was, in New England at least, unprecedented, and can only be justified by stern necessity, and the intention and hope of preventing greater evils and more extensive embarrassments, which would be likely to result from any other course.

It has produced a state of things which ought not to exist one moment longer than such necessity exists—and the Banks should be required to resume specie payments at the earliest moment when it can be done consistently with the best interests of the whole people.

An irredeemable paper currency is justly obnoxious to the community, and can be but temporarily endured as a choice of evils. The only paper currency which can or ought to find favor is one based upon the precious metals, convertible, at the will of the holder, into gold and silver, without hindrance or delay.

The present state of the Banks, and the peculiar relation they now sustain to the community, call for a watchful guard, and strict investigation into their means and modes of conducting business. But in addition to the confidence the public justly feel in the integrity and capacity of those who administer their affairs, we have a strong guarantee of safety in the provision which, to a certain extent, holds individual property liable for the debts and promises of the corporation.

But at all times, and especially in the present aspect of affairs, the Banks must expect, what the people have a right to demand, that the constituted guardians of the public interest, will carefully investigate and fearlessly adopt all measures deemed necessary to bring the present unfortunate course to an end, and restore again the former safe and satisfactory modes of conducting their affairs.

It cannot, I think, be expected that the Legislature will legalize by statute the suspension, or release the Banks from their legal obligations to their creditors, as such a course, I apprehend, would be unconstitutional and inexpedient; or, that on the other hand, it will take advantage of a state of things so extraordinary, unprecedented, and unexpected, to declare their charters forfeited.

The forbearance of the people, and the creditors of the Banks, demonstrates that they regard the course pursued, if not with favor, at least with indulgence, and there can be little danger of vexation or injury to these institutions, so long as the people are satisfied that they are acting upon honorable principles, and with a sincere desire to redeem their notes as soon as circumstances will justify the resumption of specie payments. The condition and operations of the Banks, during the recent difficulties, will be laid before you in the monthly returns, and

the Report of the Bank Commissioners ; and from these you can judge whether, in any instance, there has been a want of care, and circumspection, and caution, in their management, or any evidence of a design to improve their temporary release, to issue bills beyond their available means. Such a course would deserve most pointed animadversion, and would be a just cause for the forfeiture of their chartered rights. If the present state of affairs is to continue, I submit to your consideration the expediency of a full investigation of the subject, and the enactment of such laws as may be necessary, in addition to the existing Statutes, to prevent that worst of all financial evils, an irredeemable currency, in which the people have no confidence, and which may daily sink in public estimation, and in market value. It would be infinitely better to suffer all the evils of a currency insufficient in amount to meet our wants, than to seize upon such a temporary relief, which must result in final fraud and ruin. It is a question deserving your consideration, whether any Bank should divide any part of its profits, or means, during the suspension of specie payments. It would seem the dictate of prudence, as well as justice, when, from any cause, an individual or corporation suspends payment, that all means should be faithfully and scrupulously husbanded, to meet eventual liabilities. In making these remarks, I trust I shall not be considered as insinuating any thing against the character of those who conduct our banking institutions. I believe that an enlightened self interest, and a high sense of their obligations to the Banks and to the public, and strict moral integrity, have led, and will still lead them, to act with reference to eventual redemption, and to preparations for the event. But the rights and interests of the public are first to be regarded and secured, and honest men will not object even to strict regulations, when the rights of a whole people are in question.

In the present state of affairs, it is not probable, that any new bank charters will be asked for, but I cannot forbear the remark, that the multiplication of small local banks seems to be inexpedient and unwise ; and that if a consolidation of the existing banks, by which the number should be reduced but the

capital not diminished, could be effected, by the consent of the corporations, the public good would be promoted by having institutions which would not be sensibly affected by small or trifling causes, and so located and conducted as to accommodate the commercial community. The chimerical and utopian notion, that the vast and extending business of a public so full of enterprise, vigor and zeal as the American nation, can be carried on in a currency of gold and silver only, is now, I believe, exploded. The authors of such a proposition can never be regarded as safe counsellors or practical statesmen. The history of the whole commercial world refutes the proposition, and the only wonder is that any man should have proposed such a plan, or any yielded assent to such a proposition. It is manifest that we must have a mixed currency, if we would remain what we are, or advance in our career; and the duties of legislators would seem to be plain, to take care that, as far as possible, it should be both safe and convenient, and subject to as few fluctuations or changes as practicable.

The law which forbids the issuing, or passing, or receiving bills of a less denomination than five dollars, which originated in the expressed hope that thereby the precious metals would take the place of those bills in general circulation, has been found by experience to be inefficient and powerless, except in its operation upon our own banks. The bills of banks of other States have taken place of our own bills, and it is an admitted and undoubted fact, that the law, so far as concerns individuals, is disregarded in practice. The almost absolute necessity of having a medium of exchange of smaller value than five dollars, and the withdrawal of specie from circulation, has probably led the people to this open disregard of a statute of our State. Such a result is much to be deprecated, as obedience to law is a cardinal virtue in a republic, and a disregard of one law, however obnoxious, serves to weaken the reverence for the whole code. But it is manifest that the object proposed, the introduction of gold and silver into the circulation of the country in place of small bills, can never be effected but by the concert of the several adjoining States, the bills of whose

banks circulate in each, and that our present restraining law only compels this State to pay a large annual interest to the banks of other States, and deprives our own banks of the privilege of supplying the circulation. It would seem to be expedient to repeal the existing law, and wait for calmer times, and more mature deliberation, and mutual concert of sister States, before attempting to effect the object, which to many is still desirable.

The State, whose interests are entrusted temporarily to us, is rich in resources already discovered, and we have reason to believe is still richer in those undiscovered, or undeveloped. With a sea coast and harbors unrivalled in extent and capacity, with a tonnage second to that of but two other States in the Union, with a hardy race of unequalled seamen, shrinking from no toil or danger, but prompt in action and ready in every emergency—sustained and fostered by the intelligence, capacity and enterprise of our commercial and mercantile community, Maine may justly rejoice in her maritime character and capacity. In our inexhaustible quarries of granite, slate, lime rock, and beds of iron ore, we have sources of employment for our vessels, and wealth for our citizens, and even the solid ice of our northern climate is converted into an article of commerce. The immense forests of pine and other valuable timber, within the rightful limits of this State, are justly regarded as of immense and unquestionable value, for from them must be drawn the supply for a large part of the Union, and the demand must steadily and permanently increase. Temporary embarrassments or fluctuations may produce a check in the sale, or a distrust of the real value. But whoever calmly considers, and carefully and deliberately calculates the cost and charges and the ultimate value of manufactured lumber, must be satisfied that there is no safer investment, at reasonable prices, corresponding with such estimates, than in timber lands, situated upon or near navigable waters. The value of such lands yet unsold and belonging to this State, is very great, and with prudent management and foresight on the part of legislators may yet yield a revenue sufficient for all our wants. But whether the title to the lands is in the State or in individuals, we have

within our borders this source of wealth and profit, and it becomes us to protect and cherish it. In the developement of the resources of our State, by measures of internal improvement, the improvement of the navigation of the rivers, lakes and streams, through which lumber is transported to market, claims early attention. I have been informed by practical and judicious men, that by an economical expenditure of small sums of money in clearing those streams and erecting dams, a vast amount of our best timber, which is now almost valueless, may be easily and safely transported to market. If, upon investigation, facts should sustain these opinions, it is deserving your consideration whether justice and expediency do not authorize you, as legislators and guardians of the interests of Maine, to aid in the prosecution of such undertakings. The State is yet the principal owner of the lands to be benefitted, and in a mere pecuniary view it would seem good policy to encourage and aid in these improvements, as adding immediately and visibly to the market value of our timber lands, and eventually to an increase of our receipts into the treasury, from the sale of those lands, much beyond the amount expended. The more liberal and extended view, which looks to the developement of all our resources, and to the advancement of public interests, with those of individuals, by decided action, will regard such operations as an encouraging commencement of a system of internal improvements, which shall hereafter bring into vigorous and successful action the powers and capacities of our State and its citizens. If Maine is ever to take and to hold the rank she is entitled to, by her natural resources, her abundant means and her undoubted capabilities, we must unitedly and vigorously and promptly follow the example of our sister States, by a well considered and judicious system of internal improvements, adopted without sectional partiality, or the bias of individual interests. The times are not, perhaps, at this moment propitious, but a great and strong people cannot long remain disheartened, or subdued, by calamity or misgovernment, and the time cannot be far distant when Maine, if her legislators are wise, will awake to her true and permanent interests, and go forward in

this great work, the developement of her abundant resources. It is time to begin the work, even if our plans are limited and our means circumscribed. It has long been a source of regret that at the time of the separation from our parent Commonwealth, we did not acquire a title to all the lands within our limits. But we may congratulate ourselves and the people, that Massachusetts, in her legislation and her acts in relation to her lands in Maine, has exhibited the same high minded, honorable and liberal policy, which has always characterized her, and given her the high distinction and enviable reputation she enjoys. If the past is any guarantee for the future, we may confidently trust that Massachusetts will concur and aid in all reasonable and feasible schemes of improvement, in relation to the public lands.

The valuable lands belonging to the State are, by general understanding and consent, divided into two classes, the timber and the settling lands. I believe that those townships, which are principally valuable for the timber, are comparatively of little value as settling lands. A distinct and different policy may therefore be safely adopted in relation to each.

Our timber lands may be regarded chiefly as sources of revenue, and be sold, at such times, and in such parcels, as the pecuniary interests of the State may require. But the settling lands, in my view, are to be regarded not so much in reference to money which might be obtained by the sale, as in reference to their capacity to support and yield subsistence to a vigorous and hardy population. The leading object of policy should be to encourage the settlement of those tracts, and to place on them a free, enterprising and industrious people. Such a population adds infinitely more to the real wealth and power of the State, than thousands of dollars placed in the treasury, by some absent purchaser, who would feel no other interest than to realize money from the sale to settlers. The strong armed and strong hearted pioneers of civilization, who, leaving the accustomed comforts and enjoyments of established society, with steady perseverance and undaunted courage, penetrate and subdue our native forests, and, with the patient toil of years, await

the gradual introduction of the arts and comforts of their earlier life, certainly deserve all the aid and encouragement which can be justly extended to them.

They have obstacles, and difficulties, and discouragements enough to subdue any thing but Yankee enterprise and determination; and surely we ought not to add neglect or indifference to their claims, on the part of government.

The fertility of the soil, in the unsettled part of our territory, is placed beyond a doubt, by recent explorations and examinations, and strong inducements are there held out to emigrants to locate, with the almost certain assurance of eventual independence. It surely needs no extended argument to prove that, in every point of view, our first duty is to encourage the settlement of that territory. Let the lands not already located be located in conveniently small tracts. Let them be offered to actual settlers only, at a low price. Let the State retain the title, until settling duties are performed, and take great care that the actual settler has the fruit of his labor; and let that price, when necessary, be expended in labor on the highways, or other improvements. Let roads be opened to accommodate the settlers, and what is more than all, let the settlers feel an assurance that the State is their friend, not in word only, but in deed, and will aid and protect them in their arduous struggles, and we shall find no want of men to people our territory.

Our interests as mere land holders would prompt to liberality in aiding, with regard to building roads, and other improvements, to bring the land into use, and a higher and more extended policy points to the same course of action. The road already commenced, leading to the Aroostook, is important in many respects, and the settlement of that tract is an object of paramount importance to the strength and security of our State.

I commend the subject to your attention, confident that a work which promises so much of good to the best interests of the State will not be suffered to languish.

Frequent changes in existing laws is an evil of great magnitude, and should never be encouraged for light or transient causes, or temporary inconveniences. Certainty and stability are,

in matters of positive enactment, frequently of more importance than the form or requirements of the rule, and society often suffers more from the doubt and uncertainty introduced by alterations and additions, which are assumed to be improvements, than by the casual and individual hardships of the former law. But when manifest injustice and general embarrassment result from the operation of any statute or law, it is the duty of wise legislators to abolish or remodel it. I submit to your consideration the expediency of so amending the law relative to the attachment of real estate, as to abolish the system of private attachments, by requiring all such attachments to be recorded in the Registry of Deeds for the County, or with the Town Clerk of the town where the land is situated, and also requiring that all existing attachments, in order to be valid from the time they were made, shall also be so recorded within a specified time.

I am aware that there are some considerations of convenience in favor of the existing law; but the manifest evils of the system seem to me far to outweigh them all. Secrecy is not to be favored in a republican government, and our whole system and course of legislation, in reference particularly to the title to real estate, is at variance with this feature. Our Registries of Deeds are established for the very purpose of giving public notoriety of title, and to enable any man, by inspection, to ascertain the existing facts. But the title may be perfect upon record, and the purchaser, relying upon that record, may lose his money and his title, by reason of some secret and unknown attachment before the purchase. The general conviction of this fact operates to embarrass negotiations in real estate, without benefit to any one, and defeats, in a great measure, the intended benefits of our system of registry.

The many recent examples of the assumption of power to punish or prevent assumed evils, by lawless and unrestrained bodies of men, self constituted and self authorized, have given fearful evidence of a spirit gaining strength in the community, at war with the very elementary principles and only safeguards of our institutions.

The will of the people is the supreme law; but it is that will constitutionally expressed and lawfully executed. The majority *must* govern—but they must govern by standing laws, equal in their operation and general in their exactions, and enacted by a majority of the whole people, and not by the sudden determination of an accidental assemblage. Theoretically and strictly speaking, according to our system, a law should be the expressed will of every individual citizen. But, in fact, the only practicable theory is that which authorizes the majority to govern.

It is evident that, under such a government, the great security for the rights of a minority is found in the provisions of the fundamental law, and the enactment and execution of general laws, reaching all and binding all, well considered and calmly adopted and judicially administered.

Constitutional law is the broad and ample shield under which a whole people rest in security and peace. Like the atmosphere in which we move, it presses with immense, but equal and balanced power, to sustain the body politic. It protects the infant in its cradle, and the magistrate in the seat of justice. It gives the consciousness of security and safety to the unarmed and the peaceful, and is more than bolts and bars in guarding every man's castle—his own domestic hearth. The weak fear not the strength of the powerful, and the poor and despised tremble not at the oppressor's frown. To such law every good citizen bows in cheerful submission, and with ready acquiescence, for it is but the embodied expression of his own sovereignty. But when, instead of the law of legislation, we have the law of the strongest, and, instead of judicial and executive administration, the summary inflictions of an infuriated mob, stung to madness by temporary rage, savage, remorseless and irresponsible, excited by some imagined insult or real injury, or perhaps by the expression of obnoxious and unpopular sentiments—we have a state of society at which the boldest may well tremble, and the most ardent despair.

If the liberty of speech means only a right to speak doctrines popular at the moment or place of utterance, and the freedom

of thought and action means only a right to think and act as the majority dictates—and if even violations of law or propriety are not to await the due process of law, but are to be punished without trial, by any number of men who may assume the authority and the right to determine the nature and extent of punishment, and to administer it at their own pleasure, trampling down law as not binding their will—then indeed will our fathers' struggles have been worse than in vain, and we shall justly become a bye-word and a reproach among the nations of the earth. Law and order must be revered and maintained, or we sink into that worst of all social conditions, anarchy, and become subjects to that most fearful of all tyrants, the will of the strongest.

Our system of municipal law consists of enacted statutes, and the numerous principles of the common law. It is certainly desirable, that as far as practicable, all laws should be clearly defined and positively expressed, so that little should be left to the construction, definition, or will of any individual, clothed with the power of administering them.

We repudiate the notion of judicial legislation, and hold judges bound to act as agents to expound and enforce existing laws. It is alike for the interest of all, therefore, to have those laws simplified and made certain, and particularly the criminal code, which defines crimes and their punishment. Where men's rights, liberty and reputation are at stake, as little should be left to judicial or executive discretion, or construction, as in the nature of things is practicable. I have thought that a codification of the criminal law, embodying a definition of all crimes known in the statutes and common law, and the punishment for each, would serve to render the law more certain, and better understood by the community, and leave less to construction or inference. You may, perhaps, deem it expedient to create a board for this purpose. I submit the proposition to your mature consideration.

Our Militia system had its origin in the early days of our country, and in its leading feature, the arming and disciplining free citizens in lieu of a standing army, is in consonance with

the genius and spirit of our republican institutions. It requires a personal service of our citizens, and the burden does not, like taxes, fall upon the property of the country, but necessarily upon those who are not wealthy. The system is intended for the protection of property, as well as individuals, and property ought, in justice, to be held to a contribution for its support. I am fully convinced of the utility and importance of a militia system, which shall ensure, at least, the arming and organization of the people, ready for immediate action and more complete discipline, should occasions arise for their services. In time of profound and long continued peace, it is natural that feelings of doubt and indifference toward an apparently onerous and useless system should at times arise; but reflection and calm deliberation will lead to the conclusion that a system founded by our fathers, those strong and clear headed men, who never adopted a measure simply because it was splendid in exhibition, is not to be overthrown or abandoned for light or transient causes. A new and better spirit is, I trust and believe, gaining ground in the community upon this subject, and by the adoption and enforcement of wise laws, which shall, as far as practicable, equalize the burthen and relieve those least able to bear it, and arouse a high and generous military spirit in the people, we may confidently trust to see this branch of our State organization assume the high and honorable stand to which it is entitled.

The report of the Adjutant General will exhibit the present state of our militia, with such suggestions as may to him appear important.

It is certainly a remarkable fact that, fifty-five years after the recognition of American Independence by Great Britain, and the formal and precise demarkation of our limits in the treaty of peace, the extent of those limits, and the territory rightfully subject to our jurisdiction, should be a matter of dispute and difference. I feel it to be my duty, in this my first official act, to call your attention to that vitally important question, the true limits of our State, and to express to you and the people my views of the claim set up by a foreign State to the rightful possession of a large part of our territory.

I do not intend to enter into a historical detail, or an elaborate argument to sustain the American claim on our North Eastern Boundary. The whole subject has been for years before the people, and our rights, and the grounds upon which they rest, have been ably maintained, and clearly set forth, in our formal documents and informal discussions.

I will not trespass needlessly upon your time and patience, by a recapitulation. If there is any meaning in plain language, and any binding force in treaty engagements—if recognition and acquiescence for a long series of years on the part of Great Britain in one uniform expression and construction of the boundaries of her Provinces of Canada and Nova Scotia, is of any weight, then the right of Maine to the territory in dispute is as clear and unquestionable as to the spot upon which we now stand. It requires, indeed, the exercise of charity to reconcile the claim now made by Great Britain with her professions of strict integrity and high sense of justice in her dealings with other nations; for it is a claim of very recent origin, growing from an admitted right in us, and proceeding, first, to a request to vary our acknowledged line for an equivalent, and then, upon a denial, to a wavering doubt, and from thence to an absolute claim.

It has required, and still requires, all the talents of her statesmen, and skill of her diplomatists, to render that obscure and indefinite, which is clear and unambiguous. I cannot for a moment doubt that if the same question should arise in private life, in relation to the boundaries of two adjacent farms, with the same evidence and the same arguments, it would be decided by any court, in any civilized country, without hesitation or doubt, according to our claim.

But Great Britain was anxious for a direct communication between her Provinces. She sought it first as a favor and a grant. She now demands about one third part of our territory as her *right*.

The pertinacity and apparent earnestness and confidence with which this claim is urged, in the very face of the treaty, and the facts bearing upon the question, have been increased,

I fear, by the probably unexpected forbearance, if not favor, with which they have been received and treated by the American authorities. It can hardly be a matter of surprise that the claim is pressed upon us, when, instead of standing upon the treaty—plain, definite and capable of execution as it manifestly is—our own General Government has voluntarily suggested a variation of that line, certainly in their favor, by running west of the due north line of the treaty, and there to seek the highlands; thus yielding up the starting point, the northwest angle of Nova Scotia, and throwing the whole matter into uncertainty and confusion. Fortunately for us, the English negotiators, thinking, probably, that a nation which would yield so much, would probably yield more, declined the proposition, unless other concessions were made. The remarkable adjudication made by the arbiter selected under the treaty, resulting merely in advice, the movement on the part of Maine, in 1832, in the negotiation in relation to yielding up the territory for an equivalent, the apparent apathy and indifference of the General Government to the encroaching jurisdiction by New Brunswick, her unopposed establishment of a wardenship over the territory—the repeated incarceration of the citizens of Maine, for acts done on this her territory, almost without a murmur of disapprobation or remonstrance, and the delay of the President to run the line as authorized by Congress, have all, I fear, served to strengthen and encourage the claim, which was first put forth with doubt and argued with many misgivings.

The commission and arbitration under treaty having failed, and our ultra liberal offers being either declined or neglected, the parties are turned back to their rights and their limits under the treaties of 1783 and 1814.

But in truth, the only question in dispute, or about which there was any difference between the two governments, until since the last war and the last treaty, was as to which river was the true St. Croix of the treaty. This being settled, and its head or source fixed, (as it has been) the line is to run due north to the south line of Canada, and the north-west angle of Nova Scotia. *That line should be run without delay, as authorized by Congress.*

We want the information and the facts; we wish to examine the height of land which divides the waters flowing into the St. Lawrence from those running into the Atlantic, and ascertain its elevation and character. We wish to have our landmarks placed on our exterior limits, and maintain our own.

We wish to test the truth of the assertion, that there is no northwest angle of Nova Scotia, and no such dividing height of land as the treaty contemplates, by a correct and scientific examination on the face of the earth. Surely rights of examination, which are secured to individual claimants, are not to be denied to sovereign States.

Our situation in relation to this question, owing to the peculiar nature of our government and institutions, is interesting, viewed either with reference to the foreign power with which we are at issue, or our own General Government. Our right and title, clear and perfect as we believe them to be, are, it must be admitted, subjects of dispute, and the first and great question is, how is this dispute to be settled? The line disputed is the eastern boundary of the United States and of the State of Maine. The General Government is the only power which by the constitution can treat with a foreign government, or be acknowledged or known by that government, in negotiations. Maine acknowledges the right of the General Government to establish the line, according to the terms of the treaty of 1783, and claims a performance of that duty without delay. But whilst she concedes that power, she insists with equal confidence upon the position, that no variation of the treaty line, no cession of any part of our territory, and no conventional line can be granted or adopted, without the consent of this State.

Whatever territory is included within the line running from the northwest angle of Nova Scotia westwardly along the highlands which divide those rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of the Connecticut river, and the line running directly south from said angle to the established source of the river St. Croix, is within the State of Maine.

If there is a dispute as to the location of that angle, and those

lines—that question, and that question only, is to be settled by the general government.

In making this assertion, we do not more distinctly acknowledge a power than claim the performance of a duty. In the first sentence of the Constitution of the United States, one of the important objects in the formation of that constitution, as there expressed, is, “to provide for the common defence,” and this duty is afterwards in the same instrument, more specifically pointed out in the provision, that “The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion.” Under that constitution, the exercise of certain rights was denied to the States; all not expressly taken away were reserved to the States—and certain new rights were created.

Foremost, and most important, of these newly created State rights, is the right, on the part of each State, to demand the aid of all, by the action of the general government, whenever any foreign power interferes with the territorial rights of such State.

No State is to be left to defend its soil and maintain its just rights single handed and alone,—to engage in border skirmishes and partizan warfare, and sustain that warfare at its own expense.

It is the duty of a State to claim and assert its rights to jurisdiction, and it is the duty of the general government to protect and maintain them, if just and well founded. The acknowledgment of this State right to protection is particularly important to Maine, environed by foreign territory, and forming a frontier State in the Union. Denied the power to negotiate with foreign governments, or to declare and carry on war in defence of her rights, this State can call, in a strong voice, upon that government to which has been delegated those high powers, for protection in the exercise of her jurisdictional rights. Perfect unity of purpose and frankness in disclosures ought to characterise all intercourse between the State and National Governments, on this topic. No course is so well calculated to lead to distrust and embarrassment, and to inspire confidence

in the opposing claimants, as diplomatic evasions and jarring and discordant correspondence. We would use no threats of disunion or resistance. We trust that it will never be necessary for a State to assume a hostile attitude, or threatening language, to enforce practically its claims to protection.

But Maine has a right to know, fully and explicitly, the opinion and determination of the general government, and whether she is to be protected, or left to struggle alone and unaided. I see little to hope from the forbearance or action of the British government. Their policy, it is apparent, is to delay a settlement of the question, and to extend their actual jurisdiction over the territory, that it may ripen into a right, or at least in future controversies give them the advantage of possession.

The loose and extremely undefined jurisdiction over the small French settlement at Madawaska, has been the foundation of a claim to actual jurisdiction, and the establishment of wardenship over the whole territory. In pursuance of this plan and policy, they have seized, at various times, heretofore, American citizens, and thrust them into prison, for alleged offences,—and during the past season, the Lieut. Governor of New Brunswick has visited the territory in person, and received the loyal assurance of such of its inhabitants as were ready to acknowledge their allegiance. A citizen of our State, Ebenezer S. Greely, now lies imprisoned at Fredericton, seized, as it is said, for exercising power delegated to him under a law of this State. The facts connected with this arrest, are unknown to me, and I therefore forbear to comment at this time upon them.

If the facts are, that he was so seized, for such a lawful act, the dignity and sovereignty of the State and nation demand his immediate release.

I am aware that we are met by the assertion that the parties have agreed to permit the actual jurisdiction to remain, pending the negotiation as it existed before. I have yet seen no evidence that such an agreement was ever formally entered into by the parties. But certainly Maine was no party to such an

understanding, and at all events it could never have been intended to be perpetually binding, or to extend beyond the termination of the then pending negotiation. That negotiation is ended. The old ground of claim at Mars Hill is abandoned; a new allegation is made—that the treaty cannot be executed, and must be laid aside. In the mean time this wardenship is established, and the claim to absolute jurisdiction, not merely at Madawaska, but over the whole territory north, is asserted and enforced.

If this jurisdiction is to be tolerated and acquiesced in indefinitely, we can easily see why negotiation lags, and two years elapse between a proposition and the reply. They have all they want, and the jurisdiction is claimed by them so absolutely that we cannot send an agent to number the people, and must hesitate before the disputed line can be run, to fix our limits and ascertain important facts.

The first duty of Maine, as it seems to me, is to claim the immediate action of the general government, to move efficiently and decidedly, to bring the controversy to a conclusion. We have had years of negotiation, and we are told that we are apparently no nearer to a termination than at the commencement. Maine has waited with most exemplary patience, until even her large stock is almost exhausted.

She has no disposition to embarrass the action of the General Government, but she asks that some action be had—some movement made with a determined purpose to end the controversy.

She cannot quietly submit to have her territory wrested from her, her citizens imprisoned, her territorial jurisdiction annihilated, and her rights lost by the bold and persevering and unopposed claims of a foreign power. She cannot consent to be left alone in the controversy, or to be left in doubt as to the aid or countenance she may receive from the authorities of the Union in maintaining her acknowledged rights. She asks the quiet and undisturbed possession of her territory, according to the treaty, and that foreign and intrusive possession be put an end to; and by this claim she will abide. She will do nothing

rashly, and indulge in no spirit of nullification; and it will not be until all hope of settling the vexed question by negotiation, and all requests for other aid are denied or neglected, that she will throw herself entirely upon her own resources, and maintain, unaided and alone, her just rights, in the determined spirit of injured freemen. But those rights must be vindicated and maintained; and if all appeals for aid and protection are in vain, and her constitutional rights are disregarded, forbearance may cease to be a virtue—and, in the language of the lamented Lincoln, Maine may be “compelled to deliberate on an alternative which will test the strictness of her principles and the firmness of her temper.” The recent movement in Congress by one of our Representatives—sustained, as we may confidently trust, by his colleagues, gives some encouragement to hope that the day for decisive action is at hand.

To you—delegated guardians of the people's rights—I submit these remarks, and to you I leave the consideration of this momentous subject, confident you will not yield to an unjust claim, or jeopardize our rights by delay in asserting them. It is for you to say upon mature reflection, whether, in speaking in the name of Maine, I have exceeded the bounds of prudence, or mistaken the feelings of the people. I confess that my convictions are strong that Maine has been wronged by a foreign government, and neglected by our own—and I do not understand the diplomatic art of softening the expression of unpalatable truths.

I can only assure you that I shall most cheerfully co-operate in maintaining our rights to protection in the exercise of our rightful jurisdiction.

The remains of the only deceased Governor of Maine, ENOCH LINCOLN, are deposited on the public grounds, “without a stone to mark the spot,” or to express respect for his memory. Although we, as a people, are in principle opposed to mere magnificent display or useles ornament, yet, under the peculiar circumstances of the case, some memorial, simple as his character and solid as his fame—erected by the State he served, and whose rights he maintained with honest zeal and

unshaken fidelity, and in whose service he died—would be but a meet testimonial to the memory of that honest man and faithful magistrate.

It is provided in the Constitution of the United States (Article 4, Sec. 3) that “no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

However strongly we may disapprove the system here alluded to, and desire to see it abolished by legal and constitutional means, we are bound to carry this provision into full effect, in perfect good faith, and with a sincere desire to maintain and observe the provision of the compact. But the person claimed under this section, if a resident within our State, has clearly a right to demand that the fact alleged should be legally proved, before he shall be delivered up to the claimant.

The personal liberty of every man who treads our soil, and breathes our air, is sacred and not to be infringed, “but by judgment of his peers, or the law of the land.” A mere claim or informal production of alleged and apparently sufficient evidence, would not authorise the seizure or removal of inanimate property, by legal authority, and surely, the most friendless of human beings has a right to a legal trial, before his personal freedom is impaired by law. Some provision, by which a speedy trial in such cases could be had before a jury of the country, and the rights of claimants promptly and legally settled, seems to be called for by the exigency of the times, and I submit the matter to your consideration.

The many accidents and disasters which have occurred on water and land, in the use of vessels and carriages propelled by steam power, many, if not all, of which can be traced to the carelessness or incompetency of the men entrusted with their direction and management, call loudly for legislative interference. The regulation of vessels, when upon the high seas, belongs to the general government, and the calls of justice and humanity, demanding vigorous and decided action, we trust will not be

neglected by Congress. It is deserving your consideration, whether, in aid, or anticipation of such legislation, it may not be expedient for the States to act upon the subject, where it is exclusively within their jurisdiction, and provide for the punishment, as a criminal offender, of every master, engineer or person in charge, through whose carelessness or want of due attention, any person or persons shall be injured in steamboats or rail road cars,—and subjecting owners to heavy penalties, in case of such accidents, or for entrusting such vessels, or cars or engines, to the care or control of improper persons.

The public, from necessity, trust implicitly to the good faith and capacity of these men, and when the cupidity of gain, or the negligence of indifference, leads to fatal results, it is just to hold the authors of such evils amenable as criminal offenders.

The agricultural interest is one of great importance, and claims with justice the attention of the government. Although this interest is of paramount importance to our strength and independence, it is unquestionably true, that it has demanded and received less direct aid from legislation than any other. Our farmers have asked only to be protected in their lawful possessions, and the quiet enjoyment of their own rights. But it has long been apparent to the most superficial observer, that the agricultural resources of our State have never yet been fairly and fully tested; and that we need only the experiment to demonstrate, that Maine may become one of the first grain-growing States, and not merely supply enough for her own consumption, but export a large surplus.

Providence has in a great measure compensated for the coldness of our climate, and the shortness of our seasons, by the rapidity of vegetation, and we have only to learn to adapt our crops to the nature of our soil and climate, and we need not long suffer under the reproach of not raising our own bread. The law of last winter, giving a bounty on wheat was found satisfactory to the people, and the success which has attended the efforts of our farmers in raising wheat, has given great encouragement to them, and to all who have faith in our capacity to do yet more.

Although attempts to force unnatural products, or unprofitable crops, by means of bounties and rewards, are certainly unwise and unjust, yet when the object is only to demonstrate the utility and profit of a particular course of cultivation, and to induce our agriculturalists to put forth efforts to test our capacities, a bounty, temporary in its duration, and limited in its amount, may be found in the end the truest economy.

The returns from the several towns and plantations will be useful in exhibiting nearly the amount of wheat raised in this State the last year; and I submit to your consideration to whom the decision belongs, the expediency of continuing the same bounty another year, if upon investigation, the state of our finances will warrant it. The cost is great, but the benefit, in my view, is an ample equivalent.

The Judiciary, by the constitution, is made one of the separate departments of our government, and being immediately concerned in the administration of justice between conflicting claimants, and the punishment of individual offenders, and being that department to which is entrusted the enforcement of the provision of our constitution,—“that right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay,” it is clearly of the first importance, that our judiciary should be so organized, that it may be able satisfactorily to discharge these high duties.

The system which was adopted at the first organization of our State, has been continued, with slight variations, to the present time.

The number of judges in each Court is the same as at the first institution, although our population, business and the number and duration of the terms of the Court have so materially increased.

From my own personal observation and the experience of others, I am satisfied that although our judges do devote themselves, with unwearied industry, to the discharge of their duties, it is impossible for the present number to perform all the duties of that department, without taxing their physical and mental powers beyond any reasonable requisition. The pres-

ent evils, it seems to me, result not so much from a defect in the system, as from the want of a sufficient number of judges to discharge the duties of the department.

I submit, however, the whole subject to your consideration, with the expression of my individual opinion. If any better system than the present can be devised, I shall most readily concur in its adoption.

It is certainly not the least remarkable of the many remarkable events of the last two years, that our national rulers have been called upon to act in reference both to an overflowing and an exhausted Treasury. A short time since, as we all remember, our legislators were devising schemes to avoid the evils of redundant means and useless receipts. The plan of dividing the surplus among the States, was proposed and adopted, in the form of a deposit, and the States received three parts of the promised deposit, when the financial difficulties and embarrassments into which we were plunged, were, in the opinion of a majority of Congress, sufficient to authorise them to disappoint the expectations, and frustrate the plans of the States, by postponing the payment of the fourth instalment until the year 1839. We may then expect to receive it, unless the embarrassments of the Treasury continue and increase, and the money is wanted to supply deficits or losses, incurred in our new financial schemes of keeping the public treasures.

The law of this State, passed last year, authorising a deposit of this surplus with the several towns and plantations, in proportion to their population, has given rise to much discussion relative to the justice and expediency of some of its provisions. The restriction of that law, "That any city, town or organized plantation is authorised to appropriate its portion of the surplus revenue, or any part thereof, for the same purposes that they have a right to any moneys accruing in the treasury from taxation," has been much opposed, and it is deserving of consideration, whether it ought not to be repealed. The use of that money for the ordinary expenses of a town, for the current year, in lieu of taxes, is to my mind, upon mature reflection, manifestly unjust, whether we regard the money as an absolute

or conditional deposit. The operation of such disposition of the money, is manifestly to divide it among the people in proportion to their property. If the usual taxes of a year are omitted in consequence of the receipt of this surplus money, each individual citizen, in fact, receives an amount equal to his annual tax. A distribution *per capita* is certainly more just than any other. Another plan, worthy of consideration, is, for each town to invest this money in a fund, the annual interest of which shall be appropriated to the support of primary schools, without releasing towns in any degree from their legal obligations, to raise the sum now required for their support. Such a disposition would secure, in a great degree, an equal division of the money. If, however, the restriction is repealed, the inhabitants of each town can decide for themselves, the question of appropriation.

The Geological survey of the State, which has been commenced and prosecuted with zeal and ability, promises useful and satisfactory results, in developing the resources and concealed treasures of our State. The report of the Geologist will be laid before you, and I confidently hope, that a work so honorable to our State, thus auspiciously commenced, will be vigorously prosecuted until it is fully completed.

The Insane Hospital, now in progress at Augusta, will be a noble monument to the liberality of the individual contributors, and the benevolence of our State authorities, who will thus secure to that unfortunate class of our fellow beings who are deprived of reason, a comfortable retreat, and kind and scientific attendance. Its interests are in your hands, where I am confident they will be duly regarded.

It cannot be expected that I should be able to lay before you many facts relative to the affairs of the State or its institutions, as I have had no official connection with them, and have no information except such as is common to the whole people. By the Report of the Commissioner of the Treasury, which has been laid before you, it clearly appears that the State is embarrassed in its financial concerns, and that we receive from our predecessors an exhausted and embarrassed treasury. The

balance against the Treasury, as reported by the Commissioner, is three hundred and fifty-six thousand five hundred and seventy-eight dollars and ninety-eight cents, of the present liabilities and resources; and the estimated receipts for the current year are one hundred and forty-eight thousand twenty-five dollars and nine cents, and the estimated expenses are four hundred and thirty-three thousand seven hundred and forty-two dollars and eighteen cents; leaving a balance against the Treasury of two hundred and eighty-five thousand seven hundred and seventeen dollars and nine cents, for the present year. The omission of the usual State tax, for the several years last past, has clearly been one cause of our present embarrassments: In the present pressure and difficulty in the community, it would seem to be unjust and oppressive, to attempt to meet *all* the demands by a direct tax upon the people the present year. I would suggest for your consideration, the expediency of authorizing a loan, at a rate of interest not exceeding five per cent., reimbursable in instalments, giving sufficient time for the State to ascertain and determine what amount of the large sum due and coming due to the State, on land notes, can be collected. In the meantime, experience is solemnly teaching States, as well as individuals, the necessity of strict and unflinching economy.

The poor debtor law requires revision and amendment, to secure to creditors their just rights, and to honest and unfortunate debtors an exemption from actual imprisonment for mere debt. A construction has been given to the existing law, in some sections of our State, which appears to me to defeat these important objects.

The interests of Education are by the constitution committed to you, and our Seminaries and Public Schools, those republican nurseries of freemen, must always find friends and advocates in patriotic and intelligent legislators.

The cause of Temperance and that philanthropic movement, which has already done so much to check the ravages of that fell destroyer of individual health and happiness, and that prolific source of crime and misery, Intemperance, depend mainly for their ultimate and perfect success, upon moral causes, but

may yet receive aid and support from legal enactments which shall put the seal of reprobation upon the traffic in ardent spirits, whenever public sentiment will sustain the strict enforcement of the provisions of such a statute.

In closing this communication, extended to a length which demands an apology, I can only assure you, and the good people of the State you represent, that I shall most readily concur in adopting such laws as the public good may require, and your judgment may sanction; and that I shall bring to the performance of the untried duties of my station, honest intentions and faithful endeavors. And may that power which sustained our fathers in their days of trial and suffering, sustain us in the exercise of our delegated authority, to advance the best interests of our constituents and of our country.

EDWARD KENT.

COUNCIL CHAMBER, }
January 22, 1838. }

RESOLVES.

JANUARY SESSION....1838.

CHAPTER 1.

Resolve authorizing the State Treasurer to pay to the town of Boothbay that portion of the Surplus Revenue, to which they are entitled.

Approved, February 3, 1838.

RESOLVED, That the State Treasurer be, and he hereby is authorized to pay to the legal agent of the town of Boothbay, in the County of Lincoln, that portion of the Surplus Revenue, and interest thereon, belonging to that town, now in the State Treasury, on his receiving the necessary receipt therefor.

CHAPTER 2.

Resolve authorising a Loan in behalf of the State.

Approved, February 8, 1838.

RESOLVED, That the Treasurer of the State, be, and he hereby, is authorized to procure on the faith of the State, a Loan, not exceeding two hundred and seventy thousand dollars; at a rate of interest not exceeding five per centum, per annum, reimbursable by five equal annual instalments, at and after ten years; and that he be directed and authorized to issue State securities or certificates therefor, in sums not less than one thousand dollars each.

RESOLVED, That it shall be the duty of the Treasurer to issue proposals for said Loan, and advertise the same, in such newspapers of this State and of other States, as he may judge expedient.

CHAPTER 3.

Resolve in favor of Joseph T. Card.

Approved, February 13, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Joseph T. Card of Woolwich, the sum of fifty dollars in remuneration for an injury sustained by him while engaged in the military service of the State.

CHAPTER 4.

Resolve in favor of Henry L. Noyes.

Approved, February 13, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Henry L. Noyes of Waterford, the sum of forty-eight dollars in remuneration for an injury sustained by him while doing military duty.

CHAPTER 5.

Resolve in favor of William M. Jordan.

Approved, February 13, 1838.

RESOLVED, That there be paid out of the Treasury of the State a pension of four dollars per month for one year, to William M. Jordan of Poland, commencing on the first day of January eighteen hundred and thirty-eight, in consideration of a severe injury received by said Jordan while in the military service of the State.

CHAPTER 6.

Resolve in favor of John Neptune and Peol Tomah, of the Penobscot tribe of Indians.

Approved, February 14, 1838.

RESOLVED, That there be paid out of the Treasury of the State to John Neptune the sum of thirty dollars, and to Peol Tomah the sum of thirty dollars, to defray the expenses of their journey to the seat of government as Agents of the Penobscot tribe of Indians, to confer with the Executive and the Legislature on business relating to said tribe; and that the Governor with the advice of Council, be and hereby is authorized to draw his warrant on the Treasurer for the same.

CHAPTER 7.

Resolve in favor of Freedom Academy.

Approved, February 22, 1838.

RESOLVED, That there be paid out of the Treasury of the State to the Treasurer of Freedom Academy, the sum of two hundred dollars, annually, for three years, commencing on the first day of January, in the year of our Lord, one thousand eight hundred and thirty-eight; and the Governor with advice of Council, is hereby authorized to draw his warrant on the Treasurer for the same.

CHAPTER 8.

Resolve repealing a provision in a Resolve in favor of Israel Davis and Jacob M. Russell.

Approved February 22, 1838.

RESOLVED, That so much of the Resolve approved January 31, 1835, authorizing the Land Agent on certain conditions to convey to Israel Davis and Jacob M. Russell the lot of land numbered three in township numbered ten in the County of Washington, now Amity, as requires said Davis and Russell

to give a bond to keep the mills erected on the same in repair for eight years, be and the same hereby is repealed.

CHAPTER 9.

Resolve in favor of John Stevens.

Approved February 22, 1838.

RESOLVED, for the reasons set forth in the petition of John Stevens of Bangor, that there be allowed and paid to him Two Hundred and Forty-two Dollars and eighty-two cents, in full compensation and satisfaction for money expended by him, and for his time, in pursuing Ephraim Guptill, a fugitive from justice, by virtue of a commission issued by the Executive of this State, authorizing him to receive said Guptill from the Executive of the Province of New Brunswick, and procuring his restoration to the jurisdiction of this State. And the Governor, with advice of Council, is hereby authorized to draw his warrant on the Treasurer for said sum.

CHAPTER 10.

Resolve in favor of Alice Nelson.

Approved February 22, 1838.

RESOLVED, That the Land Agent be, and he hereby is authorized and empowered to make and execute for and in the name of the State, to Alice Nelson of Washington, in the County of Lincoln, a deed of release of all the right, title and interest, which said State has, or might have, by means of escheat, to the following described real estate lying in said Washington, to wit: A tract of land bounded northerly and westerly, by land of William Slater; southerly, by land of Enoch Flanders; easterly, by the Waldoboro' road and land of Samuel Stickney; containing fifty acres, more or less; being the same land which was formerly in possession of Thomas Nelson, a foreigner not naturalized, who died childless and without leaving any heirs at law. And the release hereby authorized shall be sufficient to vest in said Alice Nelson, her heirs or assigns,

all the right, title and interest which the State has or might have by means of the escheat as aforesaid.

CHAPTER 11.

An additional Resolve for the aid of the Indigent Blind.

Approved February 22, 1838.

RESOLVED, That the sum of Eighteen Hundred Dollars be, and hereby is appropriated for the relief and education of the indigent blind in the State of Maine, to be expended by the Governor, with advice and consent of Council, at their discretion, in defraying in whole or in part, upon application, the expense of placing at the New England Institution in Boston such indigent blind persons, as may appear proper subjects for education at said Institution; and the Governor with advice of Council is hereby authorized to allow to the parents, guardians, or other persons on whom is devolved the support and maintenance of any blind person without distinction of age, who by age, sickness or other disability, cannot receive the benefit of the Resolves now in force, such reasonable aid as the circumstances of such parents, guardians or persons having charge of such blind person may require for his or her comfortable support.

CHAPTER 12.

Resolve in favor of Axel Spaulding.

Approved February 22, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Axel Spaulding of Buckfield, the sum of One Hundred Dollars on account of a severe injury sustained by him while performing military duty.

CHAPTER 13.

Resolve relative to the annual distribution of the School Fund.

Approved February 22, 1838.

RESOLVED, That in apportioning the School Fund annually, among the cities, towns and plantations of the State, if the proper officers of any such city, town or plantation shall have neglected to make returns of their number of scholars within the period prescribed by law, it shall nevertheless, be the duty of the Treasurer to assign to such city, town or plantation its proportion of said fund, assuming as the basis of such assignment, the number of persons between the ages of four and twenty-one years as returned in the census of the preceding year by such city, town or plantation. And no city, town or plantation shall be precluded from receiving its just proportion of said fund, by reason of any informality in making or certifying its returns.

CHAPTER 14.

Resolve in favor of John Bennett.

Approved February 22, 1838.

RESOLVED, That there be paid out of the Treasury of the State, to John Bennett of Greenwood, the sum of Thirty-two Dollars, on account of an injury sustained by him while performing military duty.

CHAPTER 15.

Resolve in favor of Heman Nye.

Approved February 24, 1838.

RESOLVED, That there be paid out of the Treasury of the State, to Heman Nye of Fairfield, a pension of Five Dollars and fifty cents per month, annually, on account of a severe wound received while performing military duty, in lieu of the pension now paid him by the State.

CHAPTER 16.

Resolve in favor of Levi Chadbourn.

Approved February 24, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Levi Chadbourn of Parsonsfield, the sum of Fifty Dollars, on account of services performed in the war of the Revolution.

CHAPTER 17.

Resolve in favor of Harvey E. Robinson.

Approved February 24, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Harvey E. Robinson of Harmony, the sum of Two Hundred and Fifty Dollars, on account of a severe injury sustained by him, while engaged in the military service of the State.

CHAPTER 18.

Resolve in favor of those towns which have not received their proportion of the Surplus Revenue money.

Approved February 24, 1838.

Whereas several towns in this State neglected to comply with the provisions of an act entitled "An Act providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States," passed March eighth, in the year of our Lord one thousand eight hundred and thirty-seven; and whereas the Treasurer of State has loaned the money apportioned to said towns agreeably to the provisions of said act—therefore,

RESOLVED, That the Treasurer of State be authorized and required to pay over to the legally authorized agents of such towns their proportion of the public money, as soon as he shall have collected it, with the interest which has accrued on the same.

CHAPTER 19.

Resolve in favor of George Sawtell.

Approved February 24, 1838.

RESOLVED, That in consideration of a severe injury received by George Sawtell while performing military duty, there be paid to him annually, out of the Treasury of the State, a pension of Three Dollars per month, for two years, commencing on the first day of January, eighteen hundred and thirty-seven.

CHAPTER 20.

Resolve in favor of James Pomroy.

Approved February 24, 1838.

RESOLVED, That there be paid out of the Treasury of the State to James Pomroy of Hampden, on account of an injury sustained by him while in the military service of the State, Five Dollars per month, in lieu of all pensions now paid him by the State.

CHAPTER 21.

Resolves respecting the Franking Privilege.

Approved February 24, 1838.

RESOLVED, That the Franking Privilege should be extended to the Governors and Secretaries of the several States.

RESOLVED, That the same privilege should be extended to the members of the several State Legislatures so far as to transmit within the limits of their respective States, documents printed by order of the Legislatures thereof.

RESOLVED, That his Excellency the Governor be requested to transmit a copy of these Resolves to the Governors of the several States and to each of our Senators and Representatives in Congress.

CHAPTER 22.

Resolve authorizing a temporary Loan in behalf of the State.

Approved, February 27, 1838.

RESOLVED, That the Treasurer be, and he hereby is authorized to procure on the faith of the State, a Loan of Thirty-eight thousand six hundred and seventy-five dollars from the several Banks, and in proportion hereinafter named, at a rate of interest not exceeding five per centum per annum, reimbursable by five annual instalments, or at any shorter period, at the pleasure of the Government.

RESOLVED, That the Treasurer is hereby authorized to call on the following named Banks for the several sums following, agreeably to the provisions of a law entitled "An Act to regulate Banks and Banking," passed March thirty-first, one thousand eight hundred and thirty-one, to wit:

Androscoggin Bank, Two Hundred and Fifty Dollars.
 Agricultural Bank, Two Hundred and Fifty Dollars.
 Bangor Commercial Bank, Three Hundred and Seventy-five Dollars.
 Brunswick Bank, Three Hundred and Seventy-five Dollars.
 Bank of Bangor, Three Hundred and Seventy-five Dollars.
 Bank of Portland, One Thousand Dollars.
 Bank of Cumberland, Twelve Hundred and Fifty Dollars.
 Bank of Westbrook, Two Hundred and Fifty Dollars.
 Belfast Bank, Ten Hundred and Fifty Dollars.
 Canal Bank, Two Thousand Dollars.
 Casco Bank, Fifteen Hundred Dollars.
 Central Bank, Three Thousand and Twenty-five Dollars.
 Citizens Bank, Three Hundred Dollars.
 Commercial Bank (Bath), Two Hundred and Fifty Dollars.
 Calais Bank, Four Thousand Five Hundred Dollars.
 City Bank, One Thousand Dollars.
 Damariscotta Bank, Ten Hundred and Fifty Dollars.
 Exchange Bank, Five Hundred Dollars.
 Franklin Bank, Two Hundred and Fifty Dollars.
 Freeman's Bank, Two Hundred and Fifty Dollars.
 Frontier Bank, Five Hundred Dollars.
 Frankfort Bank, Two Hundred and Fifty Dollars.
 Gardiner Bank, Five Hundred Dollars.
 Globe Bank, Twenty-one Hundred Dollars.
 Kenduskeag Bank, Five Hundred Dollars.
 Lincoln Bank, Five Hundred Dollars.
 Lime Rock Bank, Ten Hundred and Fifty Dollars.
 Lafayette Bank, Five Hundred Dollars.
 Manufacturers Bank, Five Hundred Dollars.
 Manufacturers' and Traders Bank, Seven Hundred and Fifty Dollars.
 Merchants' Bank, Seven Hundred and Fifty Dollars.
 Mariners' Bank, Two Hundred and Fifty Dollars.

Medomak Bank, Ten Hundred Fifty Dollars.
 Northern Bank, Three Hundred and Seventy-five Dollars.
 Neguenkeag Bank, Ten Hundred and Fifty Dollars.
 Bank of Old Town, Two Hundred and Fifty Dollars.
 Penobscot Bank, Five Hundred Dollars.
 South Berwick Bank, Two Hundred and Fifty Dollars.
 Skowhegan Bank, Three Hundred and Seventy-five Dollars.
 Stillwater Canal Bank, Two Hundred and Fifty Dollars.
 St. Croix Bank, Twenty-two Hundred and Fifty Dollars.
 Sagadahock Bank, One Thousand Dollars.
 Thomaston Bank, Two Hundred and Fifty Dollars.
 Ticonic Bank, Three Hundred and Seventy-five Dollars.
 Union Bank, Two Hundred and Fifty Dollars.
 Waldo Bank, Two Hundred and Fifty Dollars.
 Washington County Bank Twenty-two Hundred and Fifty Dollars.

RESOLVED, That the Treasurer be and he hereby is directed, whenever he shall judge that the state of the public funds will allow of it, without prejudice to other necessary purposes, to pay any of the Requisition Loans, made by authority of these Resolves. And in all repayments made to Banks, the Treasurer shall preserve the *pro rata* principle, as nearly as may be, without regarding sums inconveniently small.

RESOLVED, That the Treasurer be and he hereby is authorized to procure on the faith of the State a Loan of Two Hundred and Six Thousand Four Hundred Dollars at a rate of interest not exceeding five per cent, payable annually, said Loan to be reimbursable by four equal annual instalments, at and after six years; for the purpose of paying the several Banks the amount due to them respectively from the State, and said Treasurer is hereby authorized and directed to issue State securities or certificates therefor. And any Bank deciding within three months from the passage of this Resolve, to receive in payment for the amount due them from the State, the certificates or securities as aforesaid shall have the right so to do; and said certificates so taken in payment shall be considered as part of the Loan they are required to make to the State under the Act regulating Banks and Banking, passed March thirty-first, one thousand eight hundred and thirty-one.

CHAPTER 23.

Resolve in favor of Charles Gowen.

Approved, February 28, 1838.

RESOLVED, That there be allowed and paid out of the

Treasury of the State, out of any monies not otherwise appropriated, to Charles Gowen, the sum of One Hundred and Eighty Dollars, in full payment for expenses incurred by him in reclaiming certain fugitives from justice.

CHAPTER 24.

Resolve in favor of Huldah Cook.

Approved, February 28, 1838.

RESOLVED, That a warrant drawn by the Governor upon the Treasurer of State, payable to Valentine Cook, deceased, under the Resolve of the Legislature of Maine, approved February 18th, 1826, for Thirty-six Dollars, be paid to Huldah Cook his widow, and the Treasurer of State is hereby authorized to pay the same to the said Huldah Cook.

CHAPTER 25.

Resolve in favor of William Patten.

Approved, February 28, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State to William Patten of Kennebunkport, the sum of Five Dollars, it being the same sum paid by him on the sixteenth of March, A. D. 1837, for duty on a Justice commission, issued to William Huff, Jr. and which commission said Huff has never received.

CHAPTER 26.

Resolve in favor of Elisha Bodwell.

Approved, February 28, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State, the sum of Twenty Dollars, to Elisha

Bodwell of Shapleigh, it being in payment of ten days attendance of said Bodwell as a member of the House of Representatives, at its session in 1836.

CHAPTER 27.

Resolve in favor of Deacon Sockbason.

Approved, March 6, 1838.

RESOLVED, That the sum of Fifty Dollars be allowed and paid out of the Treasury of this State to Deacon Sockbason, Special Agent of the Passamaquoddy Tribe of Indians to defray the expenses of said Agent in travelling to and from the seat of Government on business of said Indians; and the Governor with the advice of Council is hereby authorized to draw his warrant on the Treasurer for the same.

CHAPTER 28.

Resolve in favor of Robert Waugh.

Approved, March 8, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Robert Waugh of Starks the sum of fifty dollars;— and a pension of four dollars per month from and after the passage of this Resolve during the pleasure of the Legislature it being for an injury received by him while performing military duty in eighteen hundred and seven.

CHAPTER 29.

Resolve in favor of Charles Fogg.

Approved, March 8, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Charles Fogg of Brownfield, fifty dollars, in consideration of services performed in the war of the Revolution.

CHAPTER 30.

Resolve in favor of Ariel Wall.

Approved, March 8, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State, Forty Dollars, to Ariel Wall of Hallowell, which sum is in full for time and expenses in apprehending counterfeiters in the year one thousand eight hundred and thirty-four.

CHAPTER 31.

Resolve in favor of Calvin S. Wheeler.

Approved, March 8, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Calvin S. Wheeler of Garland, a pension of four dollars per month, for two years, commencing on the first day of January, eighteen hundred and thirty-eight; in consideration of a severe injury received by said Wheeler while in the military service of the State.

CHAPTER 32.

Resolve in favor of Hiram Lyford.

Approved March 8, 1838.

RESOLVED, That from and after the passage of this Resolve there be paid out of the Treasury of the State to Hiram Lyford of Garland the sum of four dollars per month, for two years it being for an injury sustained by him while doing military duty.

CHAPTER 33.

Resolve for the purpose of furnishing the town of St. Albans with the second volume of Fairfield's Reports.

Approved March 8, 1838.

Whereas, the second volume of Fairfield's Reports was delivered to Sewall Prescott Representative from the town of St. Albans during the last session of the Legislature for the use of said town, and whereas said Prescott upon his return home was taken sick and died at Monmouth in the County of Kennebec, in consequence of which, said book was misplaced and never came into the possession of said town.

RESOLVED, That the Secretary of State be and hereby is authorized and directed to deliver the second volume of Fairfield's Reports to Luther Harmon Representative from the classed towns of Corinna and St. Albans for the use of the town of St. Albans.

CHAPTER 34.

Resolve for the purchase of six small maps of Maine.

Approved March 8, 1838.

RESOLVED, That the Treasurer of this State be, and he hereby is authorized and directed to purchase six small sized maps of the State of Maine, for the use of the Legislature.

CHAPTER 35.

Resolves in favor of the towns of Hollis and Corinna.

Approved March 8, 1838.

RESOLVED, That there be paid of the Treasury of the State, to the town of Hollis thirty-two dollars, and to the town of Corinna forty dollars, being for deficiencies in the shares of the public money assigned by the Treasurer of State to those towns respectively, under the provisions of the fourth section of "An Act providing for the disposition and repayment of the public money, apportioned to the State of Maine, on de-

posit, by the Government of the United States," in consequence of mistakes in the returns from said towns of the number of inhabitants, to wit, sixteen omitted in the return from Hollis, and twenty omitted in the return from Corinna.

RESOLVED, That the Treasurer of State be required to add sixteen to the whole number of inhabitants of the town of Hollis as returned to his office in conformity with the act aforesaid, and twenty to the whole number of inhabitants of the town of Corinna, returned as aforesaid, and the respective aggregate numbers shall be the basis of any apportionment of public money, which may hereafter be made to said towns by virtue of said act.

CHAPTER 36.

Resolve in favor of William Thomes.

Approved March 8, 1838.

RESOLVED, That there be paid out of the Treasury of the State to William Thomes, fifty dollars, in consideration of services performed by him in the War of the Revolution.

CHAPTER 37.

Resolve in favor of Ebenezer S. Greeley.

Approved March 12, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State, to Ebenezer S. Greeley, Five Hundred Dollars, which sum is in full for all sufferings and losses attendant upon his arrest and imprisonment in the jail at Fredericton N. B. in consequence of taking the census of Madawaska.

RESOLVED, That the Governor of this State be requested to ask and receive of the Government of the United States a reimbursement of the sum hereby allowed to the said Greeley after the same shall have been paid to him out of the Treasury of this State.

CHAPTER 38.

Resolve in favor of Bradbury Blackman and John D. Wilson.

Approved March 12, 1838.

RESOLVED, That a note given by Bradbury Blackman and John D. Wilson to the State of Maine be cancelled and given up to said Blackman and Wilson, the consideration for which the same was given having failed—said note being for the sum of thirty-five dollars twenty cents, and bearing date October twenty-fifth, in the year of our Lord one thousand eight hundred and twenty-five.

CHAPTER 39.

Resolve authorizing a Loan in behalf of the State.

Approved March 15, 1838.

RESOLVED, That the Treasurer be, and he hereby is authorized to procure on the faith of the State, a loan not exceeding Three Hundred Thousand Dollars, payable in ten years, at a rate of interest not exceeding six per cent. per annum, payable annually; and that he be directed and authorized to issue State securities therefor, in sums not less than One Thousand Dollars each.

RESOLVED, That it shall be the duty of the Treasurer to issue proposals for said loan, and advertise the same in such newspapers of this and other States, as he may judge expedient, until the first day of May next; and he is hereby authorized at that time to accept the most favorable proposals for the whole or any portion of said loan, not however exceeding six per cent. interest.

RESOLVED, That when the money is obtained on said loan, it be applied by the Treasurer, first, to the payment of the sums due the several counties, cities, towns and plantations; and second, to the payment of the Public Debt now due or becoming due the current year; and the new loan of thirty-eight thousand, six hundred and seventy-five dollars to the banks.

RESOLVED, That the Resolve authorizing a loan of Two Hundred and Seventy Thousand Dollars, passed February eighth, in the year of our Lord, one thousand eight hundred and thirty-eight, be, and the same hereby is repealed.

CHAPTER 40.

Resolve in favor of Gilman Turner and William M. Saunders.

Approved March 15, 1838.

RESOLVED, That there be allowed and paid to Gilman Turner and William M. Saunders the sum of one dollar per night for every night they shall have been employed watching the Public Buildings since the first day of January last past and that the Governor with the advice of Council be authorized to draw his warrant on the Treasurer for the same.

CHAPTER 41.

Resolve in favor of Seth W. Stewart.

Approved March 15, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State, to Seth W. Stewart of Township No. One, Fifth Range, the sum of Ninety-two Dollars and twenty-four cents, in full remuneration for expenses incurred in taking care of a foreigner sick with the small pox.

CHAPTER 42.

Resolve in favor of the town of Liberty.

Approved March 15, 1838.

RESOLVED, That the County Commissioners of the County of Waldo be and they are hereby authorized to expend a sum not exceeding Five Hundred Dollars out of the Treasury of said County to aid the town of Liberty in making a county road which was ordered to be opened by the County Commissioners of said County through said town on the third day of October last. And the sum aforesaid shall be expended on said road under the superintendence of said Commissioners or by their agent appointed for that purpose within twelve months from the passage of this Resolve.

CHAPTER 43.

Resolve in favor of Albert Wyer.

Approved March 15, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Albert Wyer of Minot, Seventy-five Dollars, in remuneration for an injury sustained by him, while doing military duty.

CHAPTER 44.

Resolve in favor of Peter Lambard.

Approved March 15, 1838.

RESOLVED, That there be paid out of the Treasury of the State to Peter Lambard of Turner the sum of Fifty-six Dollars which sum is to be in full of all claims the said Lambard has against the State for injuries sustained by his son while on military duty.

CHAPTER 45.

Resolve in favor of Andrew Cole.

Approved March 15, 1838.

RESOLVED, For reasons set forth in his petition, there be paid to Andrew Cole of Corinna the sum of One Hundred and Sixty-three Dollars; and that a warrant be drawn therefor.

CHAPTER 46.

Resolve in favor of John Baker, Walter Powers, Nathaniel Bartlett, Augustine Webster, Isaac Yearington and John Harford, Jun'r.

Approved, March 19, 1838.

RESOLVED, That there be allowed and paid out of the

Treasury of this State, to the persons hereinafter named, inhabitants of the town of Madawaska, the following sums:—to John Baker, Three Hundred and Fifty Dollars—Walter Powers, One Hundred and Twenty-five Dollars—to Nathaniel Bartlett, Augustine Webster, Isaac Yearington and John Harford, Jr., each the sum of Fifty Dollars; which said several sums are in full compensation for all sufferings and losses, in consequence of organizing that town in the year one thousand eight hundred and thirty-one, under a warrant from William D. Williamson, Esq. and also, in full for all claims to this time.

RESOLVED, That the Governor of this State be requested to ask and receive of the Government of the United States a reimbursement of the several sums hereby allowed to the said Baker, Powers, Bartlett, Webster, Yearington and Harford, after the same shall have been paid to them out of the Treasury of this State.

CHAPTER 47.

A Resolve relating to the State Prison.

Approved March 20, 1838.

RESOLVED, That the Governor with advice of Council be and hereby is authorized to appoint some competent person or persons, whose duty it shall be to visit the State Prison at Thomaston during the recess to examine the premises and to make an estimate of the expense of reconstructing said Prison agreeably to a plan the model of which was exhibited to the Committee on the State Prison at the present session by the Warden, with such improvements as investigation may suggest, and also to inquire into the expediency of locating the Prison in some other place, and to report the result of their examination to the next Legislature.

CHAPTER 48.

Resolve authorizing the Agent of the Passamaquoddy Tribe of Indians to lease a lot of land.

Approved, March 20, 1838.

RESOLVED, That the Agent of the Passamaquoddy Tribe of

Indians be and he hereby is authorized and directed to lease to the Carlow's Island Bridge Corporation, for a term of time not exceeding the continuance of its charter, the Island lying north of Carlow's Island, and over which the road now passes leading from Eastport to Pleasant Point in the town of Perry:—*Provided, however,* That nothing herein contained shall be so construed as to impose any obligation upon the town of Perry, to make or maintain any bridge, or part of bridge, or any road over said Island.

CHAPTER 49.

Resolve providing for the completion of the exterior of the Insane Hospital, and to cancel present liabilities.

Approved March 20, 1838.

RESOLVED, That there be paid out of the State Treasury, a sum not exceeding Twenty-nine Thousand Five Hundred Dollars, to discharge present liabilities, and to complete the outside of said Insane Hospital.

CHAPTER 50.

Resolve authorizing the Treasurer to retain moneys due to certain towns for specific purposes.

Approved, March 20, 1838.

RESOLVED, That the Treasurer be, and he hereby is authorized to retain for the use of the State, from any moneys that now are, or hereafter may be due from the State to the towns of Greenfield, Lincoln, New Limerick and Mayfield, the following sums respectively, Greenfield, One Hundred and Thirty-four Dollars and Seventy-two Cents—Lincoln, One Hundred and Thirty-two Dollars and Two Cents—New Limerick, Ninety-three Dollars and Thirty-two Cents—Mayfield, One Dollar and Twenty-eight Cents—on account of and in full for moneys received by said towns, over and above their respective proportions of the Surplus Revenue.

CHAPTER 51.

Resolve in favor of Thomas Taylor.

Approved March 20, 1838.

RESOLVED, That there be paid out of the Treasury of the State, to Thomas Taylor of Strong, Four Dollars per month for one year, in consideration of an injury received by him while in the military service of the State.

CHAPTER 52.

Resolves providing for the sale of Gun Houses in Hallowell and Brunswick, and the Gun House site in Hallowell.

Approved, March 20, 1838.

RESOLVED, That the acting Quarter Master General be and he hereby is authorized to dispose of the State's Gun Houses in Hallowell and Brunswick, either at public or private sale; and the net proceeds of sales thereof shall be paid into the Treasury of the State.

RESOLVED, That the Acting Quarter Master General be, and he hereby is authorized to dispose of the land on which the State's Gun House now stands in the town of Hallowell, either at public or private sale, and to execute a legal transfer of the State's right thereto; and the net proceeds of sale thereof, after deducting such sum as may be necessary to purchase a suitable lot for Gun House in said town, shall be paid into the Treasury of the State.

CHAPTER 53.

Resolve in favor of the Exeter High School.

Approved, March 20, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State for the use and benefit of the Exeter High School the sum of Two Hundred Dollars per year for the term of three years from and after the tenth day of January, one thousand eight hundred and thirty-nine; and that the Governor with advice of Council, is authorized to draw his warrant on the Treasurer for the amount aforesaid.

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**ROLL OF ACCOUNTS NO. I.
FOR THE PAYMENT OF THE BOUNTY ON WHEAT.**

The Committee appointed to examine the accounts of the Treasurers of the several Cities, Towns and Plantations in this State, for payment of the bounty on Wheat, having attended to that duty, ask leave to present the following

R E P O R T :

That there is now due to the Treasurers of the several Cities, Towns, and Plantations, hereinafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of said accounts.

Which is respectfully submitted.

WASHINGTON GARCELON, Per order.

COUNTY OF YORK.

Cities, Towns or Plantations.	TREASURERS.	Number of bush. wheat raised.	Am't of bounty allowed each town.
Acton,	John Brackett,	2,457 $\frac{1}{2}$	\$207 27
Alfred,	Lyman Littlefield,	530	45 40
Berwick,	John Moore,	47	4 42
Biddeford,	Samuel Merrill,	87	7 62
Cornish,	John Clark,	1,780 $\frac{3}{4}$	149 17
Elliot,	William Fogg,	115	9 10
Kennebunk,	Daniel Sewall,	145 $\frac{1}{2}$	13 53
Kennebunk Port,	John G. Perkins,	79 $\frac{1}{2}$	7 15
Lebanon,	Nathan Lord,	562	47 32
Lyman,	Joseph Murphy,	62 $\frac{1}{2}$	6 15
Limerick,	Ezra Eastman,	982	87 48
Limington,	Arthur McArthur,	1,982	164 34
Newfield,	Asa Piper,	1,188	103 27
North Berwick,	George Heard,	351	33 06
Parsonsfield,	Hardy Merrill,	3,929	327 04
Saco,	John Chadwick,	95 $\frac{1}{2}$	8 90
Sanford,	Thomas Hobbs,	485	42 73
Shapleigh,	William Bragdon,	820	74 00
Waterborough,	Jonathan Downing	1,373 $\frac{3}{4}$	119 21
Wells,	William Bourne	463 $\frac{3}{4}$	40 62
York,	Edward Simpson, Jr.	258 $\frac{1}{2}$	23 51
		17,794 $\frac{3}{4}$	1,521 29

COUNTY OF CUMBERLAND.

Baldwin,	Ephraim Flint,	849	73 28
Brunswick,	Ebenezer Everett,	1,283	104 98
Bridgton,	Theodore Ingalls,	3,697	301 82
Cape Elizabeth,	James Dyer,	465 $\frac{1}{2}$	41 54
Cumberland,	Joseph Sturtivant,	297 $\frac{1}{2}$	26 65
Danville,	Stephen Rowe,	1,217 $\frac{1}{2}$	104 34
Durham,	Silas Estes,	1,191 $\frac{1}{2}$	103 47
Falmouth,	Joseph Colley,	200	18 37
Freeport,	Enoch Harrington,	318 $\frac{1}{2}$	29 39
Gorham,	Daniel C. Emery,	105	9 50
Gray,	Nath'l S. Lawrence,	472 $\frac{1}{2}$	41 95
Harpswell,	Huston Merryman,	191 $\frac{1}{2}$	16 27
Harrison,	Hosea H. Huntress,	3,180	252 25
Minot,	John B. Lane,	7,266 $\frac{1}{2}$	577 50
Naples,	John Sanborn,	687 $\frac{1}{2}$	55 63
New Gloucester,	William White,	987 $\frac{1}{2}$	76 84
North Yarmouth,	Wm. R. Stockbridge,	812	72 73
Otisfield,	Merrill Knight,	4,525 $\frac{1}{2}$	335 29
Poland,	Sampson Soule,	3,964 $\frac{1}{2}$	322 67
Portland,	William Lord,	30	2 60
Pownal,	William Marston,	825 $\frac{1}{2}$	69 55
Raymond,	Zach. L. Whitney,	3,203	255 43
Scarborough,	Solomon Stewart,	204 $\frac{1}{2}$	17 07
Sebago,	William Fitch, Jr.	1,621	125 26
Standish,	Phineas Ingalls,	88	10 34
Westbrook,	George Bishop,	94 $\frac{1}{2}$	8 07
Windham,	Moses Tuttle,	24 $\frac{1}{2}$	2 27
		37,802 $\frac{1}{2}$	3,055 06

COUNTY OF LINCOLN.

Alna,	Paul Parsons,	1,105	94 33
Bath,	Cushing Allen,	206	16 97
Boothbay,	John Lishman,	93	7 98
Bowdoin,	Jonathan Brown,	920	82 20
Bowdoinham,	Josiah Mellow,	1,541	135 66
Bremen,	Wm. H. Little, Jr.	825 $\frac{1}{2}$	70 33
Bristol,	Leonard Chamberlain,	529	45 54
Cushing,	George McIntire,	250	23 00
Dresden,	James Johnson,	1,064	89 44
Edgecomb,	James Brown,	423	37 37
Friendship,	Cornelius Bradford,	25	2 30

Jefferson,	James S. Waters,	3,361	286 45
Lewiston,	James Lowell,	1,919 $\frac{1}{2}$	161 33
Lisbon,	Joshua Nutting,	3,781	314 06
Newcastle,	Ebenezer Farley,	805	71 00
Nobleborough,	Wm. P. Harrington,	1,608	138 64
Phippsburg,	John Mereen,	43 $\frac{1}{2}$	4 21
Richmond,	Elias Colly,	1,656 $\frac{1}{4}$	150 96
St. George,	George Gilchrist,	20	2 00
Thomaston,	Hez'h. Prince,	459 $\frac{1}{2}$	40 38
Topsham,	John Coburn,	323 $\frac{1}{2}$	28 19
Union,	Ebenezer Cobb,	4,249	344 54
Waldoborough,	Samuel Morse,	1,685 $\frac{1}{2}$	146 71
Wales,	Ebenezer Swett,	2,231 $\frac{3}{4}$	177 95
Warren,	Thomas Starrett,	1,882	159 98
Washington,	John Ripley,	2,269	182 54
Whitefield,	Moses Peaslee,	3,637	307 38
Wiscasset,	Edmund Dana,	424 $\frac{1}{2}$	36 58
Woolwich,	Theophilus Blin,	149	12 14
Patricktown Pl.	Samuel Dennis,	476	39 77
		37,962 $\frac{3}{4}$	3,209 93

COUNTY OF HANCOCK.

Aurora,	Samuel Silsby,	855	64 10
Amherst,	Thomas Graves,	529 $\frac{1}{2}$	42 96
Bluehill,	Samuel Smith,	1,497	124 22
Brooksville,	John Wassen, Jr.	746 $\frac{1}{2}$	63 02
Bucksport,	Asa Lufkin,	1,757	143 82
Castine,	H. Rowell,	415	35 30
Deer Isle,	Solomon Haskell,	590 $\frac{1}{2}$	53 81
Dedham,	Raswell Fitts,	1,549 $\frac{1}{2}$	121 02
Eden,	Eben L. Higgins,	315 $\frac{3}{4}$	28 54
Ellsworth,	Richard Tinker,	1,065 $\frac{1}{2}$	91 29
Franklin,	Samuel Bragdon, 2d	397	33 42
Gouldsborough,	Amos G. Guptail,	462	37 31
Greenfield,	Horatio Gray,	679	53 61
Hancock,	Thomas Foss,	122 $\frac{1}{2}$	9 75
Mariaville,	Reuben Jellison,	480 $\frac{1}{2}$	36 83
Mount Desert,	Philip Moore,	358	30 28
Orland,	Jona. Partridge,	1,875 $\frac{3}{4}$	154 97
Penobscot,	John L. Grindall,	2,073 $\frac{3}{4}$	170 03
Sedgewick,	David Herrick,	1,685	141 99
Sullivan,	Jabez Simpson, Jr.	599	52 70
Surry,	Nath'l Treworgy,	789 $\frac{1}{2}$	64 17

ROLL OF ACCOUNTS.

297

Swan's Island,	Benj. Stinson,	80	7 20
Trenton,	Elkanah Young,	565	49 90
Vinalhaven,	David Weston,	1,611	131 06
Waltham,	Elliot Jordan,	356	42 96
		21,455½	1,784 26

COUNTY OF WASHINGTON.

Alexander,	Samuel Cottle,	402½	33 75
Amity,	Asa Tracey,	668	51 28
Baileyville,	Wm. Thornton,	76	6 96
Beddington,	Edmund Libbey,	51½	4 69
Cherryfield,	William Nichols,	72½	6 75
Charlotte,	Joshua G. Duncan,	813	67 18
Columbia,	Samuel Buckman,	327	28 42
Cooper,	John Cooper,	582	47 72
Crawford,	Jacob Stevens,	361½	28 89
Dennysville,	Theodore Lincoln, Jr.	165	13 10
Eastport,	Aaron Hayden,	25	2 30
Edmunds,	William Wood,	189½	16 17
Harrington,	Richard Collins,	397	34 21
Hodgdon,	Christo. C. Bradbury,	3,183½	224 61
Houlton,	Rufus Mansur,	5,868½	412 51
Jonesborough,	John C. Tupper,	118	11 28
Jonesport,	John Sawyer,	33	2 78
Linnaeus,	Jacob Martin,	2,514½	172 45
Lubec,	Jere'h. Fowler,	204½	17 07
New Limerick,	Oliver Gould,	1,780	128 40
No. 23, Plantation,	Samuel Buckman,	108½	9 71
Pembroke,	Wm. Woodworth,	1,215½	99 87
Perry,	John Gleason,	820	64 40
Robbinston,	Thomas C. Vose, Jr.	506	41 56
Steuben,	Ebenezer Hardy,	25	2 30
Trescott,	William Bell,	311½	26 69
Wesley,	John Day,	288	23 68
Weston,	Thos. Gilpatrick,	4,705½	332 74
Whiting,	Isaac Crane,	96	8 16
Pl. of Monticello,	George Pond,	1,105½	79 13
		27,014	1,998 76

COUNTY OF KENNEBEC.

Albion,	Samuel Sibley,	10,728	771 64
Augusta,	John Potter,	3,639 ³ / ₄	291 97
Belgrade,	Samuel Page,	6,340	484 40
China,	Daniel Crowell,	12,952 ¹ / ₂	967 32
Chesterville,	William O. Bradbury,	4,046 ¹ / ₂	314 78
Clinton,	David Hunter,	10,806 ³ / ₄	860 02
Dearborn,	Alvan Bickford,	2,811 ¹ / ₂	220 86
Farmington,	Thomas Hunter,	12,405 ¹ / ₂	926 22
Fayette,	John Fifield,	4,437 ¹ / ₂	355 07
Gardiner,	Thomas Gay,	2,787	232 86
Greene,	Nath'l Robbins,	3,277 ¹ / ₂	275 77
Hallowell,	Alex'r H. Howard,	1,856 ³ / ₄	148 21
Leeds,	Stephen Rackley,	5,421	431 66
Litchfield,	John Smith,	5,123 ¹ / ₂	427 39
Monmouth,	Otis Norris,	5,256	425 76
Mount Vernon,	Daniel Thing,	5,887 ¹ / ₂	463 65
New Sharon,	Gideon B. Dyer,	8,132 ¹ / ₂	637 54
Pittston,	Wm. Stevens, 2d.	2,230 ¹ / ₂	187 36
Readfield,	John Smith,	6,391	488 56
Rome,	Stephen Morrill,	4,177 ¹ / ₂	326 00
Sidney,	Theodore Merrill,	6,569 ¹ / ₂	528 76
Temple,	David Tripp,	5,798	416 09
Vassalborough,	Thomas Carlton,	10,271 ¹ / ₂	781 10
Vienna,	John Marden,	4,068	316 08
Waterville,	Augustine Perkins,	9,071 ¹ / ₂	653 85
Wayne,	George Smith,	3,268	269 66
Wilton,	George Gage,	11,070 ³ / ₄	818 42
Windsor,	John B. Swanton,	5,947 ¹ / ₂	468 04
Winthrop,	Samuel Clark,	5,193 ¹ / ₂	410 81
Winslow,	David Garland,	6,909 ¹ / ₂	507 31
		186,875 ¹ / ₂	14,407 16

COUNTY OF OXFORD.

Andover,	Erastus E. Poor,	948 ¹ / ₂	79 33
Albany,	Jacob H. Lovejoy,	2,143	170 08
Berlin,	James Tuck,	2,175	158 31
Bethel,	Eben'r Eames,	5,214	411 24
Brownfield,	Daniel Bean,	1,751 ¹ / ₂	145 88
Buckfield,	Henry Decoster,	5,612 ¹ / ₂	443 60
Byron,	John Stockbridge,	391 ¹ / ₂	32 29
Canton,	Gideon Ellis,	3,113 ¹ / ₂	244 47
Carthage,	Simon Tainter,	2,633 ¹ / ₂	187 59

Denmark,	Stephen Berry,	2,559 ¹ ₂	212 36
Dixfield,	Samuel Morrill,	5,522	401 72
Fryeburg,	E. L. Osgood,	1,461	117 26
Greenwood,	Frederic Coburn,	2,963 ³ ₄	235 39
Gilead,	Eliphalet Adams,	1,340 ¹ ₂	104 42
Hartford,	Daniel Parsons,	9,317 ¹ ₂	700 91
Hebron,	Lewis Packard,	3,271 ¹ ₂	262 69
Hiram,	Peleg Wadsworth,	1,923 ³ ₄	142 89
Howard's Gore,	Eli Howe,	246	17 96
Hamlin's Grant,	Josiah Moody,	276 ¹ ₂	21 39
Jay,	Silas Jones Jr.,	8,128 ¹ ₂	629 88
Lovell,	John C. Chandler,	895 ¹ ₄	77 71
Livermore,	Benj. Bradford,	8,472 ¹ ₂	672 31
Mexico,	Isaac Harlow,	1,551 ¹ ₂	119 49
Madrid,	Henry Wilbur,	3,386 ³ ₄	245 60
Norway,	Henry Rust,	7,272	488 72
Newry,	Aaron Smith,	411	34 14
Oxford,	John J. Perry,	3,225 ¹ ₂	254 33
Paris,	Alanson Mellen,	10,452 ³ ₄	790 81
Porter,	Benj. French,	973 ¹ ₂	83 99
Peru,	Robinson Turner,	3,457	271 96
Roxbury,	John Walker,	139	12 34
Rumford,	Joshua Graham,	4,385 ¹ ₂	345 67
Stow,	Micah Abbot,	27	2 42
Sumner,	Elisha Bisbee,	7,144	542 24
Sweden,	Benj. Webber,	1,485	117 08
Turner,	George Turner,	7,081 ¹ ₂	570 47
Waterford,	Daniel Brown,	5,544 ¹ ₂	422 03
Weld,	Andrew Brown,	6,039	435 67
Woodstock,	Samuel Nute,	2,669	209 74
		135,604 ¹ ₂	10,416 38

COUNTY OF SOMERSET.

Abbot,	James Gower,	2,670	202 89
Anson,	Zenas Bryant,	12,713	906 79
Athens,	Gilman Hall,	6,655	499 17
Avon,	Samuel Sprague,	3,228 ¹ ₂	241 71
Bingham,	Richard Goodrich,	2,548	192 02
Brighton,	Daniel L. Jones,	5,203	384 18
Blanchard,	Reuel K. Packard,	795	60 50
Bloomfield,	Levi Bigelow,	5,080	375 20
Canaan,	Van R. Tuttle,	5,444	429 08
Cornville,	John Morrell,	6,643	486 44

Concord,	James Harlow,	3,120 ¹ ₂	223 23
Cambridge,	John Dollif,	2,890	211 81
Chandlerville,	Joseph Lord,	1,542	118 91
Elliottsville,	Benjamin Thombs,	150	13 80
Embsden,	Elisha Stevens,	6,400	466 44
Freeman,	Marshall Niles,	6,485	455 52
Fairfield,	Nathan Fowler,	11,530 ¹ ₄	833 94
Greenville,	Stephen Darling,	211 ¹ ₂	15 89
Hartland,	James Moor,	4,836	354 16
Harmony,	Enos Robbins,	6,836	498 96
Industry,	George Hobbs,	6,077 ¹ ₂	447 85
Kingsbery,	William Hilton,	1,411	103 09
Kingfield,	Charles Pike,	3,877	282 01
Lexington,	Henry Parsons,	2,346	103 16
Madison,	Joshua Blackwell,	10,188	724 15
Mercer,	Josiah Hinckley,	6,868	518 33
Mayfield,	Israel S. Bigelow,	658	48 28
Moscow,	Allen Baker,	4,273	309 65
Monson,	Thomas S. Pullen,	2,267	173 65
New Portland,	Isaac Hopkins,	10,451	747 24
New Vineyard,	Samuel Daggett,	7,063	503 00
Norridgewock,	Edward Rowe,	10,298 ¹ ₂	749 12
Palmyra,	Samuel Shaw,	8,522 ¹ ₂	631 33
Parkman,	John Pratt,	6,018	460 64
Phillips,	George W. Smith,	6,238	455 92
Pittsfield,	Benjamin Adams,	4,869	371 77
Ripley,	Harrison Jones,	3,511 ¹ ₂	262 07
Shirley,	Charles Loring,	344	29 44
Solon,	Elisha Coolidge,	6,567	470 82
St. Albans,	Harris Garcelon,	10,293 ¹ ₂	756 69
Starks,	Valentine Felker,	7,614	567 24
Strong,	Adam Clark,	8,337	599 85
Salem,	Daniel Harlow,	4,216	297 53
Skowhegan,	Eben H. Neil,	5,592	417 13
Wellington,	John Ward,	4,290	325 44
Wilson,	H. G. O. Barrows,	98 ¹ ₂	8 37
East Pond Pl.	Dennison Haynes,	2,062	156 52
		239,331 ¹ ₄	17,490 93

COUNTY OF PENOBSCOT.

Argyle,	Nath'l Danforth, Jr.	240 ¹ / ₂	18 44
Atkinson,	Benja. Smith,	5,168	359 68
Bangor,	John Wilkins,	3,541	258 81
Barnard,	John Thompson,	444	36 35
Brewer,	Watson Holbrook,	3,276	250 19
Brownville,	Francis Brown,	3,251 ¹ / ₂	234 27
Bradford,	Enoch M. Barker,	4,943 ¹ / ₂	374 03
Burlington,	Philip Page,	2,105 ¹ / ₂	147 11
Carmel,	Israel Johnson,	1,889 ¹ / ₂	141 36
Charleston,	Duston Page,	7,605 ¹ / ₂	553 83
Coriuna,	John Lord,	8,863 ¹ / ₂	659 76
Corinth,	John Huntling,	9,017	645 80
Chester,	Sam'l Chesley,	965	69 90
Dexter,	John Bates,	6,986 ¹ / ₂	517 58
Dixmont,	F. A. Butman,	9,032 ¹ / ₂	649 40
Dover,	Flavel Bartlett,	10,289 ¹ / ₂	739 67
Glenburn,	Nathan Parsons,	1,737 ¹ / ₂	132 23
Etna,	Allen Carter,	2,421	188 41
Exeter,	John Walker,	12,058	882 13
Eddington,	Right Stockwell,	2,413 ¹ / ₂	188 52
Enfield,	John Treat,	619	51 58
Foxcroft,	Sam'l Chamberlain,	5,573 ¹ / ₂	395 98
Garland,	Benja. H. Oakes,	6,521 ¹ / ₂	472 24
Guilford,	Seth Nelson,	4,964 ¹ / ₂	366 40
Greenbush,	Henry Campbell,	466 ¹ / ₂	34 27
Hampden,	David Vose,	5,664	443 57
Howland,	Wm. C. Hammatt,	837 ¹ / ₂	60 67
Hermon,	Sam'l. Verrill,	1,870	148 96
Huntressville,	John Austin,	557	40 62
Kirkland,	Henry I. Briggs,	561	45 66
Kilmarnock,	George W. Atwood,	1,696	130 64
Lagrange,	Samuel Sears,	1,749	130 57
Lee,	James H. Bowles,	8,450	575 00
Levant,	E. F. Cram,	3,432	256 11
Lincoln,	Jer. Nelson,	4,263	303 05
Milford,	Charles Bailey,	55 ¹ / ₂	4 93
Milton,	Eben Ewes,	1,323 ¹ / ₂	100 19
Milo,	Joseph Lee,	4,514	327 64
Maxfield,	Benja. Milliken,	1,304 ¹ / ₂	97 46
Newburg,	Apollos R. Gilman,	5,040 ¹ / ₂	376 01
Newport,	Edward Rowe,	5,173	379 18
Orono,	James Stinson,	1,743 ¹ / ₂	122 24
Orrington,	Simeon Fowler,	2,339 ¹ / ₂	195 79

Plymouth,	Moses M. Eaton,	4,529 ² / ₄	338 58
Passadumkeag,	Joshua Horton, Jr.	1,070	78 59
Sangerville,	Stephen Lowell,	10,792	761 12
Sebec,	Jason Hassell,	7,650 ¹ / ₄	540 53
Springfield,	James M. Baldwin,	9,429 ¹ / ₄	625 31
Stetson,	Amasa Stetson,	3,704 ¹ / ₄	256 45
		202,143 ¹ / ₄	14,706 81

COUNTY OF WALDO.

Appleton,	Henry Meservey,	1,077 ¹ / ₂	92 65
Belfast,	James White,	3,492	291 35
Belmont,	Nath'l. Cushman,	3,434 ¹ / ₂	290 24
Brooks,	Seth Brown,	3,475	255 46
Burnham,	Horace Wentworth,	2,297	171 42
Camden,	Thomas Spear,	1,568	133 57
Frankfort,	Tisdale Dean,	9,330	713 40
Freedom,	Bateman Deerowe,	6,084	449 84
Hope,	Thomas Bartlett,	3,142	260 41
Islesborough,	Joseph Pendleton,	591	51 46
Jackson,	Ezekiel T. Hatch,	4,897 ³ / ₄	356 31
Knox,	Edward K. Vose,	4,036 ³ / ₄	310 92
Lincolnville,	Cyrus Noyes,	4,212	325 04
Liberty,	Sewall Prescott,	2,022	156 46
Montville,	Moses True,	8,087 ¹ / ₂	624 16
Monroe,	David Gilmore,	5,897	462 89
Northport,	John Coltier,	1,236	104 56
Prospect,	Nath'l. Stowers,	4,415 ³ / ₄	359 34
Palermo,	Ely Ayer,	5,326 ¹ / ₄	418 18
Searsmont,	Lewis Clark,	2,792	245 69
Swanville,	H. W. Cunningham,	2,556	197 86
Thorndike,	Josiah Moulton,	6,974 ¹ / ₂	495 58
Troy,	Samuel Heald,	9,194	677 06
Unity,	Rufus Burnham,	11,099	780 34
Waldo Plantation,	Henry Davidson,	1,902 ¹ / ₄	139 88
		109,140 ¹ / ₄	8,364 07

RECAPITULATION.

COUNTIES.	No. of bushels.	Amount of bounty.
York, ...	17,794 ³ / ₄	\$1,521 29
Cumberland, ...	37,802 ¹ / ₂	3,055 06
Lincoln, ...	37,962 ³ / ₄	3,209 93
Hancock, ...	21,445 ¹ / ₂	1,784 26
Washington, ...	27,014	1,998 76
Kennebec, ...	186,875 ¹ / ₂	14,407 16
Oxford, ...	135,604 ¹ / ₄	10,416 38
Somerset, ...	239,331 ³ / ₄	17,490 93
Penobscot, ...	202,143	14,706 81
Waldo, ...	109,140 ¹ / ₄	8,364 07
Total, ...	1,015,114 ¹ / ₄	\$76,954 65

CHAPTER 54.

Resolve for payment of the Bounty on Wheat.

Approved March 20, 1838.

RESOLVED, That there be allowed and paid from the Treasury of the State, to the Treasurers of the several cities, towns and plantations mentioned in the "Roll of Accounts, No. 1, for payment of the Bounty on Wheat," the sums set against their names respectively, amounting in the aggregate, to the sum of Seventy-six Thousand, Nine Hundred and Fifty-four Dollars and sixty-five cents, in full discharge of said accounts.

CHAPTER 55.

Resolve in favor of Charles Jones, Ariel Kelley, William Chapman, Thomas Morrell, Jr. Daniel Smith, and Mark Stevenson.

Approved March 20, 1838.

RESOLVED, That the Treasurer of State be and he hereby is authorized and directed to pay Charles Jones the sum of Thirteen Dollars, and to Ariel Kelly, Wm. Chapman, Thomas Morrell, Jr. Mark Stevenson and Daniel Smith, the sum of Nine Dollars and Twenty-four Cents each, all of Newburg in the County of Penobscot—it being in full for their travel and attendance as witnesses in the case of election of Nathaniel Hanscom contested by Fred. A. Butman.

CHAPTER 56.

Resolve for the publication and distribution of the Returns of Common Schools for the year 1837.

Approved March 20, 1838.

RESOLVED, That the Secretary of State be required to make an Abstract in Tabular form, by Counties, of the returns of Common Schools made by the several towns, Cities and Plantations, for the year one thousand eight hundred and thirty-seven, together with a statement of the population of each Town, City and Plantation according to the census taken in that year, and such comparisons of the Returns of Schools and of population, and such deductions therefrom as may be usefully and conveniently made, and a statement of the amount paid or to be paid to each Town, City and Plantation out of the Bank Tax or School Fund for the same year.

RESOLVED, That the Secretary of State be authorized to cause ten thousand copies of the Abstract and statements aforesaid to be printed and distributed for the information of the people, reserving five hundred copies thereof to be laid before the next Legislature for the use of the members.

CHAPTER 57.

Resolve in favor of the family of Bartholomew B. Boies.

Approved March 20, 1838.

RESOLVED, That in consideration of services voluntarily rendered by said Boies, in breaking roads leading to the Canada State Road, and in full therefor, there be paid to Parker Boies, in trust for the family of said Bartholomew, the sum of Forty Dollars a year for three years; the same to be paid by said Parker to the separate receipt of the wife of said Bartholomew, if alive, otherwise, to the guardians of her children.

CHAPTER 58.

Resolve in relation to Lands reserved to the several Towns in this State.

Approved March 20, 1838.

RESOLVED, That the Land Agent is hereby authorized and instructed to ascertain during the ensuing year the number of Towns in this State that have not received from this State or from Massachusetts the Public Lands required to be reserved to them by the laws of said States, noting particularly the quantity received by each Town that has not received its full proportion, and to report the same to the next Legislature.

CHAPTER 59.

Resolve in favor of Samuel Hersey, Merrill Clough, Barker Kent and Elisha Hewitt.

Approved March 20, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State to Samuel Hersey and Merrill Clough Eight Dollars each, to Barker Kent, Seven Dollars and Forty Cents, and to Elisha Hewett, Seven Dollars and Twenty Cents, which sums are in full for their travel and attendance as witnesses, before the Committee on the Gubernatorial Votes—in relation to the votes of the Town of Fayette.

CHAPTER 60.

Resolve in favor of Livingston Academy.

Approved March 20, 1838.

RESOLVED, That there be paid out of the Treasury of the State to the Treasurer of Livingston Academy, the sum of One Hundred and Fifty Dollars, and the Governor with advice of Council is hereby authorized to draw his warrant on the Treasurer for the same.

CHAPTER 61.

Resolves in favor of certain commissioned officers, and others, of the Revolutionary War, and the Widows of such persons.

Approved March 20, 1838.

RESOLVED, That each commissioned officer of the Revolutionary army, who actually served not less than three years in said army, and who, at the commencement of such service, was an inhabitant of Massachusetts Proper, or of the District of Maine, and is now an inhabitant of this State, and who has not already received a grant of land, or money in lieu thereof, from the Commonwealth of Massachusetts, and each widow of such officer, who, at the time of his decease, was an inhabitant of this State, shall be entitled to receive six hundred acres of land to be selected from Letter E. in the second Range of Townships, West of the East Line of the State, in the County of Washington.—And each Officer, who was honorably discharged before the expiration of three years from the time of his entering the service in consequence of wounds received in the service, or other bodily infirmity, and each widow of such officer, and the widow of each officer who died in the service within three years from the time of his entering in the same, shall, if in all other respects coming within the provisions of this Resolve, be entitled to receive a like grant of land to be selected as aforesaid.

RESOLVED, That the Land Agent is hereby authorized and directed to cause the said Township, as soon as may be, to be surveyed and laid out into convenient lots of six hundred acres each; and to execute a conveyance of one lot to every officer and widow aforesaid, who shall prove his or her claim to the

satisfaction of the Land Agent, on or before the fourth day of March, in the year of our Lord one thousand eight hundred and forty. And every such officer, or widow, who shall establish his or her claim as aforesaid, before the survey of the land shall be completed, shall be entitled to receive from the Land Agent a certificate stating that he or she is entitled to six hundred acres of land under the provisions of these Resolves: which certificate shall be conclusive evidence to entitle the lawful holder thereof to a conveyance in fee simple of one of the six hundred acre lots aforesaid, whenever said land shall be surveyed and laid out as herein provided. And it shall be the duty of the Land Agent to number said lots, to be surveyed and laid out as aforesaid, from number one upwards, and place the numbers in a box to be kept for that purpose, and each person, who shall be entitled to a lot under the provisions of these Resolves shall, in person or by agent, draw one number therefrom, which shall represent the lot to which such person may be entitled.

RESOLVED, That the Land Agent is hereby authorized to procure, at the expense of the State, from the Land Agent and Secretary of the Commonwealth of Massachusetts, and from the Pension Office at Washington, such evidence as he may deem necessary or useful in carrying into effect the provisions of these Resolves. And it shall be his duty to keep correct plans of all surveys, which shall be made as aforesaid, and to mark upon each lot the name of the person who shall draw the same, and also to keep a record of the names and places of abode of, and such other material circumstances relating to the several claimants, as may be deemed necessary to obviate all disputes respecting the justice of their claims.

RESOLVED, That every officer and widow, who shall become the owner of land under the provisions of these Resolves, shall hold the same exempt from attachment on mesne process or execution.

CHAPTER 62.

Resolve in favor of Solomon Clark.

Approved, March 20, 1838.

RESOLVED, That there be paid out of the Treasury of the

State to Solomon Clark of Hallowell, Four Dollars per month for one year, on account of an injury received by him, while engaged in the military service of the State.

CHAPTER 63.

Resolve for furnishing additional copies of books to the town of Bath.

Approved March 22, 1838.

Whereas the Clerk's Office of the town of Bath has been destroyed by fire, and all the Records, Books and Documents therein consumed, therefore

RESOLVED, That the Secretary of State furnish said town with additional copies of such Books, Maps or Documents as have been heretofore furnished, and were destroyed by fire, provided such additional copies are now in his possession.

CHAPTER 64.

Resolves in relation to the commercial intercourse between the United States and the British Provinces of Nova Scotia and New Brunswick.

Approved March 22, 1838.

WHEREAS, by the Proclamation of the President of the U. States, being thereto authorized by law, the ports of the United States were opened to vessels of Great Britain and their cargoes, from the British colonial ports of Nova Scotia and New Brunswick, without the requirement on the part of the British Government to open the ports of said Colonies to vessels of the United States; and whereas, the ports now open in said Provinces can at any moment be closed against the admission of all American vessels, without conflicting with any commercial arrangement, or treaty stipulation, between the U. States and the British Government; and whereas, American vessels are entirely excluded from all the ports at which the principal exports of said Provinces can be directly obtained—therefore

RESOLVED, That the interests of the State of Maine require, that all the ports in the Provinces of Nova Scotia and

New Brunswick, which are now, or may hereafter be, ports for the delivery and reception of cargoes for British vessels, be made ports of entry for the delivery and reception of cargoes for American vessels, or that the ports of the United States should be closed against British vessels coming from said Provinces.

RESOLVED, That our Senators and Representatives in Congress be requested to exert their influence in obtaining the object contemplated by the foregoing Resolve.

RESOLVED, That the Governor be requested to transmit copies of the above resolutions to the President, and to each of our Senators and Representatives in Congress.

CHAPTER 65.

Resolve in favor of Cherryfield Academy.

Approved, March 22, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State for the use and benefit of the Cherryfield Academy the sum of Two Hundred Dollars per year for the term of two years from and after the tenth day of January, one thousand eight hundred and thirty-nine—*Provided*, That the Trustees of said Academy cause to be erected on lands belonging to said Institution, a good, sufficient and well finished building for the use of the same; and produce to the Governor and Council, satisfactory evidence that said building is completed and fitted for use, on or before the aforesaid tenth day of January, one thousand eight hundred and thirty-nine. Then the Governor with advice of Council is authorized to draw his warrant on the Treasurer for the amount aforesaid.

CHAPTER 66.

Resolves making appropriations for Military purposes.

Approved, March 22, 1838.

RESOLVED, That there be allowed and granted, for the purposes hereinafter named, the following sums, to wit: Nine Hun-

dred Dollars for alteration and repair of Artillery; Two Hundred and Fifty Dollars for transportation and Laboratory Stores; Six Hundred Dollars for musical instruments and colors; Three Hundred Dollars for the erection of a Gun House in Hallowell; Fifty-five Dollars and Ninety-nine Cents for finishing the Gun House in East Machias; Two Hundred Dollars for finishing the Gun House in Calais; Three Hundred Dollars for the erection of a Gun House in Saco; Two Hundred Dollars for the erection of a Gun House in Bowdoinham. The several sums aforesaid to be paid whenever, in the opinion of the Governor with the advice of Council, the public service may require it; and for the expenditure thereof the Acting Quarter Master General shall be accountable.

RESOLVED, That the Acting Quarter Master General be, and he hereby is authorized to dispose of the State's Gun House in Saco, either at public or private sale; and the net proceeds of sale thereof, shall be paid into the Treasury of the State.

CHAPTER 67.

Resolve in Relation to the subject of Dueling.

Approved, March 22, 1838.

RESOLVED, That the Governor of this State be requested to communicate with the Governor of the State of Maryland, and call his attention to the necessity of enforcing the laws of that State against all persons who may be concerned in dueling within its territory, whether citizens of that State or not, and also of suggesting to the Legislature of that State the propriety of enacting further penal laws against the practice of dueling.

CHAPTER 68.

Resolve in favor of Rufus Sewall and others.

Approved March 22, 1838.

RESOLVED, That there be paid to Rufus Sewall, Samuel Tarbox and Henry Kehail, Junior, each the sum of Eleven

Dollars for their travel and attendance as witnesses before the Committee on contested elections; and also to said Tarbox the further sum of One Dollar and Sixty-five Cents, for summoning said Kehail; and that the Governor with advice of Council, be authorized to draw his warrant on the Treasurer therefor.

CHAPTER 69.

Resolves requesting our Senators and Representatives in Congress to investigate the manner and circumstances of the death of Jonathan Cilley.

Approved March 22, 1838.

RESOLVED, (the Senate and House concurring,) That the investigation into the manner and circumstances of the death of Jonathan Cilley, late a member of Congress from this State, instituted by the House of Representatives in Congress, was demanded by the people of this State; and our Senators and Representatives in Congress be requested to use their efforts to prevent any abandonment of the said investigation, until all the facts and circumstances are ascertained and reported.

RESOLVED, That if any member or members of either House of Congress shall be implicated in any conspiracy which led to the violent death of the said Jonathan Cilley, it will become the imperative duty of Congress to expel such member or members.

RESOLVED, That we entertain no other than sentiments of deep and unqualified abhorrence of that cruel and sanguinary code which so often selects its victims from among the brightest and worthiest of the land, and that we call upon our Senators and Representatives in Congress to give their united support to the establishment of such laws, legislative and conventional, as may prevent the recurrence of such melancholy events as that which has recently clothed our State in sorrow.

CHAPTER 70.

Resolve authorizing the distribution of the Second Report on the Geology of Maine.

Approved March 22, 1838.

RESOLVED, That there shall be copies of the Second Re-

port of the Geological Survey of Maine distributed in the following manner, viz:—Twelve copies to the Governor of the State, one copy to each member of the Council, Senate and House of Representatives, one copy to the Secretary of State, Treasurer, Land Agent and Adjutant General, one copy to the Secretary, Assistant Secretary, and Messengers of the Senate, one copy to the Clerk, Assistant Clerk and the Messengers of the House, one hundred copies to the Governor and Council to be by them distributed, two copies to each of the Cities, Towns and organized Plantations, two copies to each of the Colleges in this State, one copy to the Bangor Theological Institution at Bangor, one copy to each of the incorporated literary Institutions and Academies in the State, one copy to the Maine Medical School, one copy to the Maine Historical Society, one copy to the Maine Institute of Natural Science, one copy to each of the incorporated Agricultural Societies in the State, one hundred copies to the Geological Surveyor, three copies to each of his Assistants, and three to the Draftsman, five copies to the Library of the State, one copy to each of the Clerks in the several Departments of this State, one copy to the Executive of each State in the Union, one copy to each of the Colleges in New England except those in this State, one copy to the American Academy of Arts and Sciences, one copy to the Antiquarian Society in Worcester, (Mass.) two copies to the Library of the United States, one copy to the Surveyor General of this State, one copy to each Chaplain of the Senate and House of Representatives, two copies to the President of the United States, one copy to the Secretary of State of the United States, one copy to the Secretary of the Treasury of the United States, one copy each to the Secretary of War and of the Navy, one copy to the Post Master General, and one copy to each member of Congress. And the remainder of the edition of Reports shall be equally divided among the Senators and Representatives, to be by them distributed among the people in their several School Districts, or otherwise, according to their discretion.

RESOLVED, That the Secretary of State be directed to forward the copies aforesaid, to the several Cities, Towns and Plantations, Members of Congress and to all others, except Members of the Council, Senate and House of Representatives.

RESOLVED, That the Secretary of State be directed to forward one copy of the first report of the Geological Survey of Maine, to each member of Congress, provided there shall be a sufficient number of copies remaining in the Secretary's Office.

ROLL OF ACCOUNTS, NO 19, FOR 1839.

The Committee on Accounts having examined the several Accounts referred to them, ask leave to present the following

REPORT:

That there is now due, to the persons, cities, towns and plantations hereinafter mentioned, the sums set to their names respectively, which when allowed and paid will be in full discharge of said Accounts to the several dates therein named.

Which is respectfully submitted,

SAMUEL B. HOLT, per order.

MONEYS PAID FOR MILITIA AND BOUNTIES ON ANIMALS.

NAME OF THE TOWN.	P'd for Militia prior to 1837.	P'd for Militia in 1837.	Bounty on Animals in 1837.	Sum Total.
A.				
Abbot,				
Alexander,			10 00	10 00
Anson,		78 92	12 00	90 92
Albany,		25 08	14 00	39 08
Acton,		51 27		51 27
Avon,			12 00	12 00
Alfred,		41 50		41 50
Alna,		27 96		27 96
Athens,		49 93		49 93
Albion,		45 27		45 27
Atkinson,		30 29		30 29
Augusta,		71 00		71 00
Andover,		23 00	33 00	56 00
Aurora,				
Addison,		16 33		16 33
B.				
Bangor City,		177 66	2 00	179 66
Belgrade,		64 34		64 34
Barnard,			2 00	2 00
Bloomfield,		28 30		28 30
Bingham,		7 88	18 00	25 88
Brunswick,		137 90		137 90
Baldwin,		57 17		57 17
Burnham,		31 45	4 00	35 45

Berwick,	83 50		83 50
Brownfield,	49 29		49 29
Bethel,	86 33		86 83
Buckfield,	70 00		70 00
Bucksport,	72 98	4 00	76 98
Brewer,	61 00		61 00
Biddeford,	68 12		68 12
Bradford,		6 00	6 00
Bristol,	28 50		28 50
Brooksville,	42 43		42 43
Buxton,	85 00		85 00
Bluehill,	39 87		39 87
Bath,	83 05		83 05
Berlin,	22 75	2 00	24 75
Belfast,	52 92		52 92
Bridgton,	69 25		69 25
Boothbay,			
Bradley,			
Brooks,	44 26		44 26
Bremen,	16 75		16 75
Blanchard,		2 00	2 00
Baring,	10 84		10 84
Bowdoin,	124 17		124 17
Bowdoinham,	94 00		94 00
Brighton,	26 68	2 00	28 68
Byron,		16 00	16 00
Brownville,	21 58	30 00	51 58
C.			
Clinton,	98 06		98 06
Cape Elizabeth,	49 00		49 00
Cherryfield,	35 40	4 00	39 40
Cornish,	52 78		52 78
Charlotte,	11 65	10 00	21 65
Cornville,	41 78		41 78
Corinth,	56 58		56 58
Charleston,	51 60	2 00	53 60
Concord,	27 13	17 00	44 13
Cumberland,	53 92		53 92
Columbia,	38 45	12 00	50 45
Carthage,	24 00	2 00	26 00
Chesterville,	37 78		37 78
Cambridge,		6 00	6 00
Corinna,	84 04		84 04
Carmel,	41 80	2 00	43 80

ROLL OF ACCOUNTS.

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Canton,		24 50		24 50
Canaan,		48 72		48 72
China,		75 14		75 14
Castine,	18 00	5 00		23 00
Calais,		125 75	58 00	183 75
Cutler,			2 00	2 00
Cushing,		16 50		16 50
Cooper,		8 00	6 00	14 00
D.				
Dearborn,		35 00		35 00
Dover,		55 92		55 92
Danville,		40 40		40 40
Dresden,		5 00		5 00
Dennysville,		10 50		10 50
Denmark,		54 60	8 00	62 60
Durham,		71 00		71 00
Dexter,	10 00	61 17	2 00	73 17
Dixfield,		38 78	6 00	44 78
Dixmont,		65 49		65 49
Dedham,			12 00	12 00
E.				
Eastport,		55 25		55 25
Edmunds,		9 55		9 55
Eliot,		75 80		75 80
Eddington,			2 00	2 00
Edgecomb,		20 53		20 53
Embden,		47 27		47 27
Etna,		34 37		34 37
Eden,		18 50	14 00	32 50
East Pond Pl.		10 63		10 63
East Machias,		45 25	6 00	51 25
Ellsworth,			10 00	10 00
F.				
Farmington,		116 50		116 50
Freeman,		34 96	15 00	49 96
Fayette,		33 62		33 62
Fryeburg,		59 75	6 00	65 75
Freeport,		46 00		46 00
Falmouth,		72 67		72 67
Foxcroft,		35 62		35 62
Freedom,		39 11		39 11
Frankfort,		105 84		105 84
Fairfield,		111 78		111 78
Franklin,		17 98	12 00	29 98

G.			
Guilford,	35 00		35 00
Gardiner,	121 95		121 95
Gorham,	125 75		125 75
Gouldsborough,	21 89	4 00	25 89
Gray,	59 00		59 00
Greenwood,	32 09	12 00	44 09
Garland,	43 78		43 78
Georgetown,	24 75		24 75
Gilead,	21 54	18 00	39 54
Green,	60 00		60 00
Glenburn,	27 29		27 29
H.			
Hiram,	45 36		45 36
Harrison,	44 40		44 40
Harrington,	43 95		43 95
Harpwell,	35 50		35 50
Hollis,	112 00		112 00
Hallowell,	55 25		55 25
Hermion,	47 44		47 44
Hampden,	62 45		62 45
Harmony,	37 00	2 00	39 00
Hebron,	44 36		44 36
Hartland,	39 95		39 95
Hancock,		2 00	2 00
Hartford,	76 56		76 56
Houlton,		14 00	14 00
J.			
Jonesport,	7 57		7 57
Jefferson,	71 34		71 34
Jay,	38 36		38 36
Industry,	42 00		42 00
Jackson,	39 50		39 50
Jonesborough,		8 00	8 00
K.			
Knox,	9 32		9 32
Kittery,	68 24		68 24
Kennebunk,	83 96		83 96
Kennebunk Port,	52 76		52 76
Kingfield,	34 45	19 00	53 45
Kilmarnock,	2 00	2 00	4 00
Kingsbury,		4 00	4 00
L.			
Liberty,	11 68		11 68

Lisbon,	106 37		106 37
Lyman,	70 25		70 25
Limerick,	46 50		46 50
Lovel,	41 94	12 00	53 94
Limington,	103 00		103 00
Leeds,	84 88		84 88
Lee,		6 00	6 00
Livermore,	121 67		121 67
Lewiston,	62 50		62 50
Lincoln,		30 00	30 00
Litchfield,	60 15		60 15
Levant,	27 54		27 54
Lubec,	27 96		27 96
Lagrange,		8 00	8 00
Lexington,	14 50	25 00	39 50
M.			
Mount Desert,	18 17	4 00	22 17
Minot,	125 00		125 00
Machias,	51 42	8 00	59 42
Mexico,	27 50	2 00	29 50
Montville,	12 37		12 37
Milton,		8 00	8 00
Mercer,	63 00		63 00
Milford,	34 42		34 42
Mount Vernon,	56 42		56 42
Madison,	80 72		80 72
Monson,		31 00	31 00
Moscow,	12 67		12 67
Milo,	34 92	4 00	38 92
Munroe,	64 87		64 87
Madrid,	23 15		23 15
Mayfield,		8 00	8 00
Mariaville,		10 00	10 00
Monmouth,	63 25		63 25
N.			
Newry,	22 05	10 00	32 05
Norway,	59 79		59 79
Nobleborough,	85 50		85 50
North Yarmouth,	58 62		58 62
Newburg,	40 11	4 00	44 11
North Berwick,	52 78		52 78
Newcastle,	24 50		24 50
Newport,	51 60		51 60
New Portland,	74 12	12 00	86 12

New Sharon,	69 41		69 41
Newfield,	51 84		51 84
Naples,	24 75		24 75
New Vineyard,	54 92	15 00	69 92
New Gloucester,	68 25		68 25
Norridgewock,	80 24		80 24
Northport,	27 50		27 50
O.			
Oxford,	38 29		38 29
Orland,	40 36	4 00	44 36
Orono,	81 63	16 00	97 63
Otisfield,	51 25		51 25
P.			
Prospect,	83 15	2 00	85 15
Perry,	27 96		27 96
Porter,	54 17		54 17
Penobscot,	56 16	2 00	58 16
Poland,	81 38		81 38
Paris,	81 98	2 00	83 98
Parsonsfeld,	111 92		111 92
Portland City,	165 75		165 75
Pittsfield,	39 80	2 00	41 80
Pownal,	35 75		35 75
Plymouth,	40 50		40 50
Palermo,	67 56		67 56
Phipsburg,	38 86		38 86
Palmyra,	58 70		58 70
Parkman,	52 42	6 00	58 42
Pembroke,	24 96	2 00	26 96
Passadumkeag,		8 00	8 00
Peru,	40 25	6 00	46 25
Princeton,	9 32		9 32
R.			
Robbinston,	21 55		21 55
Rumford,	66 00	4 00	70 00
Raymond,	60 50		60 50
Richmond,	38 44		38 44
Rome,	26 10		26 10
Readfield,	73 50		73 50
Ripley,	20 80	6 00	26 80
S.			
Surry,	22 13		22 13
St. George,	14 00		14 00
Sangerville,	41 94		41 94

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Sebec,	56 62	10 00	66 62
Solon,	44 17	2 00	46 17
Scarborough,	87 00		87 00
Shapleigh,	48 60		48 60
Standish,	78 20		78 20
Sweden,	24 64		24 64
South Berwick,	63 98		63 98
Sumner,	49 96		49 96
Steuben,	26 81	14 00	40 81
Sedgewick,	56 00		56 00
Sandford,	113 06		113 06
Saco,	94 89		94 89
Starks,	55 42	2 00	57 42
St. Albans,	50 78		50 78
Stetson,	37 78		37 78
Sullivan,	19 56	4 00	23 56
Salem,	28 31	15 00	43 31
Sidney,	74 58		74 58
Springfield,		7 00	7 00
Stow,	24 81	2 00	26 81
Skowhegan,	54 13		54 13
Swanville,	42 17		42 17
Sebago,	26 13		26 13
Stoneham,		14 00	14 00
T.			
Turner,	102 10		102 10
Thomaston,	130 04		130 04
Troy,	51 53	4 00	55 53
Trescott,	14 98		14 98
Topsham,	66 86		66 86
Thorndike,	45 60		45 60
Temple,	46 00	4 00	50 00
U.			
Unity,	21 50		21 50
V.			
Vassalboro',	105 62		105 62
Vienna,	36 70		36 70
W.			
Winthrop,	54 25		54 25
Woolwich,	56 00		56 00
Westbrook,	121 56		121 56
Wales,	38 44		38 44
Waterborough,	70 08		70 08
Wells,	109 51		109 51

ROLL OF ACCOUNTS.

Wayne,	26 28		26 28
Wellington,	78 70	8 00	16 70
Warren,	4 54		74 54
Waterville,	62 00		62 00
Woodstock,	35 58	6 00	41 58
Wilton,	106 00		106 00
Waldoborough,	119 33		119 33
Wiscasset,	64 44		64 44
Windsor,	40 77		40 77
Winslow,	72 13		72 13
Windham,	69 50		69 50
Waterford,	45 00	6 00	51 00
Whiting,	14 00	8 00	22 00
Waldo Pl.	31 34		31 34
Whitefield,	49 12		49 12
Weld,	65 20	16 00	81 20
Y.			
York,	115 05		115 05

MILITARY ACCOUNTS.

AIDS-DE-CAMP TO MAJOR GENERALS.

Bray, Israel R.,	Aid and Orderly Officer, 8th Division,	20 00
Davis, Francis Jr.,	" " " 2d "	20 00
Frost, William,	" " " 6th "	20 00
Little, William D.	" " " 5th "	20 00
Lovejoy, J. H.,	" " " 6th "	2 84
Strout, George W.,	" " " 4th "	20 00
Wheeler, Loring F.,	" " " 7th "	20 00
Waterman, Wm. Jr.,	" " " 1st "	20 00
Hodsdon, J. L.,	" " " 3d "	7 73

\$150 62

AIDS-DE-CAMP TO BRIGADIER GENERALS.

Bean, S. B.,	Aid	2d Brig.	1st Div. 1837,	20 00
Barrows, Joseph,	" pr tem	" " "	6th " "	6 25
Hubbard, Hiram,	"	1st " "	6th " 8 mos.	13 33
Mayall, John Jr.,	"	" " "	5th " "	20 00
Pike, Daniel,	"	" " "	2d " "	20 00
Linscott, Joseph A.,	"	2d " "	8th " "	20 00
Redman, Tristram,	"	" " "	7th " 4 mos.	6 67

ROLL OF ACCOUNTS.

321

Kimball, Charles A.,	Aid	2d	Brig.,	6th	Division,	8 mos.	13 75
Knowlton, Ebenezer Jr.,	"	"	"	2d	"	"	20 00
Grosby, William G.,							20 00
Marble, Freeland,	"	1st	"	6th	"	4 mos.	6 67
Townsend, M. B.,	"	"	"	7th	"		20 00
Moore, Ira,	"	"	"	4th	"		20 00
Clement, Simeon C.,	"	2d	"	5th	"		20 00
McIntire, John Jr.,	"	1st	"	1st	"		20 00
Lewis, Joseph C.,	"	2d	"	7th	"		13 53

\$260 00

BRIGADE MAJORS AND INSPECTORS.

Frye, Wm. K.	Inspector	1st	Brig.	4th	Div.	25 00
Pennell, Henry,	"	1st	"	5th	"	25 00
Dyer, Edward S.,	"	1st	"	7th	"	20 00
Small, James,	"	2d	"	1st	"	25 00
Sprague, Seth,	"					25 00
Ward, Timo. C.,	"	2d	"	6th	"	25 00
Manter, James,	"	1st	"	8th	"	25 00
Clement, Simeon C.,	"	2d	"	5th	"	25 00
Clark, Hiram,	"	1st	"	6th	"	25 00
McIntire, John Jr.,	"	1st	"	1st	"	25 00

\$245 00

ADJUTANTS TO REGIMENTS OF INFANTRY.

Adams, Elias,	Adj.	3d	Reg.	1st	Brig.	2d	Div.	25 00
Abbot, Asa,	"	1st	"	2d	"	8th	"	25 00
Burbank, E. P.,	"	3d	"	2d	"	5th	"	25 00
Balkham, James M.,	"	1st	"	1st	"	7th	"	11 45
Barrows, Joseph,	"	3d	"	1st	"	6th	"	25 00
Blanchard, O. P.,	"	3d	"	1st	"	5th	"	25 00
Brown, William,	"	2d	"	1st	"	7th	"	25 00
Blake, Gronfil,	"	2d	"	1st	"	5th	"	25 00
Berry, S. S.,	"	3d	"	2d	"	2d	"	25 00
Crane, E. F.,	"	3d	"	1st	"	3d	"	9 74
Campbell, R.,	"	2d	"	2d	"	1st	"	25 00
Cotton, Cyrus,	"	2d	"	2d	"	4th	"	25 00
Crowell, Madison,	"	2d	"	1st	"	2d	"	25 00
Cushing, S. T.,	"	2d	"	1st	"	4th	"	10 50
Cram, Upham T.,	"	4th	"	1st	"	2d	"	25 00
Clark, Charles,	"	4th	"	2d	"	1st	"	25 00
Fryer, J. D.,	"	4th	"	1st	"	4th	"	25 00
Fales, William H.,	"	4th	"	2d	"	4th	"	25 00
Griffin, Andrew,	"	2d	"	1st	"	3d	"	25 00
Hopkins, Robert,	"	pr tem.	2d	Reg.	2d	Brig.	7th	Div. 8 33
Hadley, T. S.,	"	2d	"	2d	"	6th	"	25 00
Jewett, Wm. D.,	"	2d	"	1st	"	1st	"	25 00
Kimball, George A.,	"	2d	"	1st	"	8th	"	25 00
Libby, P. S.,	"	1st	"	1st	"	5th	"	25 00
Lane, Z. P.,	"	1st	"	2d	"	1st	"	25 00

Moore, Hiram,	Adj. 3d Reg.	1st Brig.	8th Div.	25 00
Marble, N. M.,	" 1st "	1st "	6th "	25 00
Noyes, E. J.,	" 1st "	1st "	7th "	13 55
Perkins, Silas	" 4th "	1st "	1st "	25 00
Pierce, Daniel,	" 1st "	1st "	1st "	25 00
Roberts, Joseph D.,	" 3d "	2d "	1st "	25 00
Rogers, John,	" 2d "	1st "	4th "	14 50
Rogers, George,	" 3d "	1st "	4th "	25 00
Snow, Edmund,	" 3d "	1st "	7th "	25 00
Stephenson, John,	" 2d "	2d "	5th "	25 00
Strickland, Lee,	" 2d "	1st "	6th "	25 00
Swett, Josiah Jr.,	" 4th "	2d "	5th "	25 00
Thompson, E. G.,	" 5th "	1st "	3d "	25 00
Tapley, John,	" 4th "	1st "	3d "	6 mos. 12 50
Treat, Upton,	" 2d "	2d "	3d "	25 00
Vose, R. C.,	" 2d "	2d "	2d "	25 00
Walker, Benj.,	" 4th "	1st "	3d "	12 50
Williamson, S. S.,	" 2d "	2d "	8th "	25 00
Young, S. S.,	" 1st "	2d "	4th "	25 00
Sleeper, George R.,	" 1st "	2d "	3d "	25 00
Williams, Luther M.,	" 1st "	2d "	2d "	8 mos. 13 17
Wood, Isaac,	" 3d "	2d "	8th "	25 00
Bradley, I. B.,	" 1st "	1st "	3d "	25 00
Anderson, Samuel,	" 1st "	1st "	4th "	25 00
Clements, F. D.,	" 3d "	2d "	3d "	5 mos. 10 42
Wakefield, E. G.,	" 1st "	2d "	7th "	25 00
Roundy, Pearl,	" 3d "	1st "	3d "	15 25
Johnson, E. D.,	" 1st "	1st "	8th "	25 00
				<u>\$566 89</u>

ADJUTANTS OF BATTALIONS OF ARTILLERY.

Thatcher, Samuel,	Adj. of Bat. 1st Brig. 3d Div. for 1834,	
1835 and 1837,		45 00
Osborn, Samuel L.,	" " 1st " 1st "	1837, 15 00
Ellis, E. F. W.,	" " 1st " 1st "	1836, 30 00
and 1837,		
Lambe, Samuel,	" " 1st " 7th "	1836, 30 00
and 1837,		
White, Ephraim S.,	" " 1st " 5th "	1837, 15 00
Blossom, Waldo,	" " 1st " 6th "	" 15 00
Osborn, W. C.,	" " 2d " 5th "	" 15 00
Wells, Peaslee M.	" Reg. 2d " 4th "	25 00
		<u>\$190 00</u>

ADJUTANTS OF REGIMENTS AND BATTALIONS OF CAVALRY.

Libby, Jeremiah,	Adj. of Bat. of Cav. 1st Br. 1st Div. for 1837,	15 00
Kidder, L.,	" Reg. " 1st " 8th "	" 25 00
Laue, Daniel Jr.,	" " 2d " 3d "	" 25 00
Field, Hazo,	" Bat. " 1st " 4th "	" 15 00

Thomas, S. C.,	Adj. of Bat. of Cav.	2d Br.	5th Div.	for 1837,	15 00
Page, Sam'l S.,	"	Reg.	" 1st "	2d "	" 25 00
Ulmer, Charles,	"	"	" 2d "	4th "	" 15 00

\$135 00

EXPENSES OF ARTILLERY, POWDER, &c.

Captain of the Anson Artillery, for horse hire on day of review and inspection,	13 25
Beals, Seth Jr, Capt of Turner, for horse hire on day of review and inspection,	12 00
Cushman, Albert, Capt of Paris, for horse hire on day of review and inspection,	14 66
Estes, Z. P. Capt of Belfast, for horse hire on day of review and inspection,	9 00
Fairbanks, John, Capt of Monmouth, for horse hire on day of review and inspection,	15 25
Hedge, G. T. Capt of Portland, for horse hire on day of review and inspection,	26 67
Handly, John. Capt of Washington, for horse hire on day of review and inspection,	18 77
Kimball, Charles W. Capt of Kennebunk, for horse hire on day of review and inspection,	10 50
Marston, Thomas B. Capt of Waterville, for horse hire on day of review and inspection,	15 54
Nash, Williams, Capt of Danville, for horse hire on day of review and inspection,	25 81
Pease, Samuel, Capt of Farmington, for horse hire on day of review and inspection,	13 00
Robinson, Alex. Capt of Bath, for horse hire on day of review and inspection,	18 04
Smith, James B. Capt of Bangor, for horse hire on day of review and inspection,	7 50
Warren, Geo. A. Capt of Saco, for horse hire on day of review and inspection,	22 25
Weare, Joseph, Capt of York, for horse hire on day of review and inspection,	7 43
Waite, William B. Capt of Falmouth, for horse hire on day of review and inspection,	9 00
Whelpley, Peter, Capt of for horse hire on day of review and inspection,	12 50
Capt of Hallowell Artillery, for horse hire on day of review and inspection,	12 41
Gibson, Zachr. Capt of Bloomfield Artillery, for horse hire on day of review and inspection,	10 00
Earle, G. & H. for Cannon Balls, 2191 lbs, 4c.	87 64
Gardner, J. B. for Powder furnished the Portland Arsenal,	175 00
Whittemore, James G. for transporting Powder for Columbian Artillery, &c.	6 00
Willet, Thomas B. for services, watching field pieces and cleaning the same,	18 00
Pierce, Thomas, Capt of Readfield Artillery, for horse hire, &c.	15 60
Ames, Charles, Capt of Clinton Artillery, for horse hire, &c.	15 82

\$354 73

SHERIFF'S ACCOUNTS.

Stanley, G. W. Sheriff Kennebec County, for distributing Proclamations, &c.	31 20
Trafton, Jacob, Sheriff Waldo County, for distributing Proclamations, &c.	64 60
Dunn, Josiah, Sheriff Cumberland County, for distributing Proclamations, &c.	42 24
Fuller, Peter, Sheriff Lincoln County, for distributing Proclamations, &c.	45 12
Blossom, Alden, Sheriff Oxford County, for distributing Proclamations, &c.	44 00
Chadbourn, Israel, Sheriff York County, for distributing Proclamations, &c.	33 60
Fowler, Nathan, Sheriff Somerset County, for distributing Proclamations, &c.	34 72
Hutchings, Chas. Sheriff Hancock County, for distributing Proclamations, &c.	40 29
Brackett, Luther, Sheriff Washington County for distributing Proclamations, &c.	37 60
	<u>\$373 97</u>

CORONERS' ACCOUNTS.

Downing, Joshua, for an inquisition on the bodies of Alpheus Lawrence and Joseph Jordan, residence unknown,	25 12
Downing, Joshua, for an inquisition on the body of a person unknown,	19 74
Spring, William, for an inquisition on the body of a person unknown,	17 90
Ring, Andrew, for an inquisition on the body of Mrs Betsey Gooding,	25 37
Hilton, William, for an inquisition on the body of James Durlay,	20 40
	<u>\$108 53</u>

PRINTERS' ACCOUNTS.

Millet, Geo. W. for publishing in the Oxford Democrat the Laws of 1837, &c.	39 25
Wyman, Asa Jun. for publishing in the Skowhegan Sentinel the Laws of 1837, &c.	51 65
Severance, Luther, for publishing in the Kennebec Journal the Laws of 1837, &c.	50 15
Printers of the Eastern Democrat, for publishing the Laws of 1837,	25 00
Snow, W. K. for publishing in the Down Easter, the Laws of 1837, &c.	40 75
Christian Mirror, for publishing the Laws of 1837, &c.	50 15
Isley, Chas. P. for publishing in the Portlander & Transcript the Laws of 1837, &c.	100 30
Coudon, Wm J. for publishing in the Saco Democrat, the Laws of 1837, &c.	50 15

Eastport Sentinel, for publishing the Laws of 1837, &c.	50 15
Clark, Elisha, for publishing in the Lincoln Telegraph the Laws of 1837, &c.	50 15
Remick, James K. for publishing in the Kennebunk Gazette the Laws of 1837, &c.	50 15
Day, Chas, for publishing in the Zion's Advocate the Laws of 1837, &c.	50 15
Marchant & Smith, for publishing in the Courier and Daily Whig, the Laws of 1837, &c.	100 30
Waterhouse, E. G. for publishing in the Portland Courier the Laws of 1837, &c.	50 15
Nichols, G. W. & F. W. for publishing in the Lincoln Patriot the Laws of 1837, &c.	50 15
Gerrish & Edwards, for publishing in the Portland Advertiser the Laws of 1837, &c.	150 45
Greene, Hugh W. for publishing in the Eastern Argus and Advocate, the Laws of 1837, &c.	261 70
Haynes, I. C. for publishing in the Eastern Republican the Laws of 1837, &c.	50 15
Jackson, John, for publishing in the Gazette & Advertiser the Laws of 1837, &c.	34 50
Washburn, Wm V. V. for publishing in the Radical the Laws of 1837, &c.	27 50
Noyes, Thomas E. for publishing in the Eastern Baptist, the Laws of 1837, &c.	53 00
Cole, S. W. for publishing in the Yankee Farmer the Laws of 1837, &c.	50 15
King, Horatio, for publishing in the Jeffersonian the Laws of 1837, &c.	50 15
Norman, Thos. for publishing in the Eastern Baptist the Laws of 1837, &c.	4 50
Johnson, Wm. F. for publishing in the Eastern Baptist the Laws of 1837, &c.	17 65
Jordan, Jos. H. for publishing in the S. Journal, the Laws of 1837, &c.	25 00
Washburn, C. C. W. for publishing in the Radical the Laws of 1837, &c.	25 80
Drew, Wm. A. for publishing in the Banner & C. Pilot the Laws of 1836, &c.	63 37
Drew, Wm. A. for publishing in the Bauner the Laws of 1837, &c.	26 00
Drew & Berry, for publishing in the Banner the Laws of 1837, &c.	21 90
Smith, Saml. S. for publishing in the Bangor Journal, the Laws of 1837, &c.	25 15
Griffin, Joseph, for publishing in the Family Pioneer the Laws of 1837, &c.	37 65
Ingalls, Fredk. P. for publishing in the Belfast Intelligencer the Laws of 1837, &c.	45 65
Pennel, C. W. for publishing in the Orion the Laws of 1837, &c.	50 15
Noyes, Wm. for publishing in the Chronicle and Maine Farmer the Laws of 1837, &c.	90 80
Maine Wesleyan Journal, for publishing the Laws of 1837, &c.	50 15

Maine Wesleyan Journal, for publishing the Laws of 1836 &c.	25 00
White & Rowe, for publishing in the Republican Journal, the Laws of 1837, &c.	50 15
Smith & Waterhouse, for publishing in the Portland Courier the Laws of 1837, &c.	56 00
Sayward, J. S. for publishing in the Mechanic & Farmer the Laws of 1837, &c.	26 00
McLellan & Noyes, for publishing in the Eastern Baptist the Laws of 1836, &c.	8 00
Copeland, Thomas, for publishing in the Somerset Journal the Laws of 1837, &c.	28 50
	<u>\$829 92</u>

MISCELLANEOUS ACCOUNTS.

Dana, Judah, for services as Bank Commissioner, fifty days in 1836, \$3 pr day,	150 00
Paid Printing, Stationary, &c.	149 14
Dana, Judah, for services as Bank Commissioner, fifty days \$3 per day,	150 00
Paid Printing, Stationary, &c.	140 77
Green, P. H. for services as Bank Commissioner, sixty-two days \$3 per day,	186 00
Paid Printing, Stationary, &c.	173 27
Norcross, Nathl. for Bounty on forty lbs Cocoons, at 5c per lb.	2 00
Norcross, Nathl. for Bounty on Silk,	2 50
Walker, James, for Bounty on two lbs raw Silk,	1 00
Walker, James, for Bounty on fifteen lbs Cocoons,	75
Woodbury, L. B. for Bounty on Silk,	65
Kittredge, Wm. H. for Chest Locks, Brushes, Inkstands &c.	59 52
Mitchell, R. for travel from Portland, and one day's attendance before a Committee of the Legislature,	14 00
Mussey, Chas. for travel from Portland and one day's attendance before a Committee of the Legislature,	14 00
Dana, Judah, for travel from Fryeburg and attendance before the Committee, &c.	28 00
Osgood, J. B. for service of Citation on Judah Dana, &c.	3 50
Buswell, Henry C. for travel and attendance before a Committee of the Legislature,	28 00
Pierce, Thomas, for Bounty on Cocoons, 32 1-2 lbs 5c.	1 61
Smith, Edwin, for services as inspector of the State Prison 16 days \$3 per day,	48 00
Hamlin, Hannibal, for services inquiring into legality of the election of Charleston,	15 00
Brown, George B. for traveling 67 miles and two days attendance before the Committee on contested elections,	7 36
Knowlton, Jabez, for traveling 50 miles, and two days' attendance before the Committee on contested elections,	6 00
Ward, Cotton, for traveling 40 miles and five days' attendance before the Committee on contested elections,	8 20
White, William, for traveling 35 miles and 22 days attendance before the Committee on contested elections,	24 80

Jones, Charles, for expenses notifying Ariel Kelly and others per order of the House,	5 00
Turner, Gilman, for work, repairing the State House, &c.	74 26
Eastport, Town of, for expenses in case of small pox of Ellison and Doherty's families, non residents,	278 74
Portland City, for expenses in case of small pox of James Henderson and others, non residents,	341 00
Gardiner, Town of, for expenses in case of small pox of Henry Copeland, a non resident,	154 14
Burrill, Samuel, for traveling 42 miles and three days attendance per order of the Senate and House of Representatives,	6 36
Connor, Thomas, for traveling 42 miles and three days attendance per order of the Senate and House of Representatives,	6 36
Purinton, Jona. for traveling 42 miles and four days attendance before the Committee of the Legislature,	7 36
Nye, C. for traveling 46 miles and four days attendance before the Committee of the Legislature,	7 68
Burgess, Jos. for traveling 46 miles and two days attendance before the Committee of the Legislature,	5 68
Jones, Reuben, for travel and attendance before the Committee of the Legislature,	5 68
Allen, Elipha. for travel and attendance before the Committee of the Legislature,	6 64
Jones, Benj. for travel and attendance before the Committee of the Legislature,	5 68
Jones, Miron, for travel and attendance before the Committee of the Legislature,	5 68
Weston, Wm. K., C. Ware, &c.	41 31
	<u>\$997 93</u>

COURTS MARTIAL AND ENQUIRY.

Lowell, Joshua A., Division Advocate 7th Div., for expenses of Court Martial convened at Cherryfield, Jan. 23, 1838,	122 91
Lowell, J. A., Division Advocate 7th Div., for expenses of Court Martial, convened at Ellsworth, Jan. 16, 1838,	171 40
Lowell, J. A., Division Advocate 7th Div., for expenses of Court of Enquiry convened at Calais, May 18, 1837	52 73
Lowell, J. A., Division Advocate 7th Div., for expenses of Court of Enquiry,	35 61
Lowell, J. A., Division Advocate 7th Div., for expenses of drawing up charges and specifications, &c.	32 89
Lowell, J. A., Division Advocate 7th Div., for expenses of Court of Enquiry,	33 63
Vose, Richard H., Division Advocate 2d Div., for expenses of Court Martial convened at China, Oct. 25, 1837,	73 34
Vose, R. H., Division Advocate 2d Div., for expenses of Court Martial convened at Palermo, May 9, 1837,	57 21
Vose, R. H., Div. Advocate 2d Div., for expenses of Court Martial convened at Augusta, July 19, 1837,	58 84

Coolidge, Benj. for expenses of making inquiry into the legality of election, Capt J. S. Bishop's company, 4 R. 1 B. 2 D.	8 25
Alden, Hiram O., Division Advocate 3d Div., for expenses of Court Martial convened at Bangor, March 25, 1837	208 29
Alden, H. O., Div. Advocate 3d Div., for expenses of Court Martial convened at Bangor, Oct. 13, 1837,	71 99
Alden, H. O., Div. Advocate 3d Div., for expenses of Court Martial convened at Belfast, Feb. 20, 1837,	94 23
Alden, H. O., Div. Advocate 3d Div., for expenses of Court Martial convened at Belfast, Oct. 11, 1837,	152 69
Leland, J. W., Div. Advocate 1st Div., for expenses of Court Martial convened at South Berwick, Jan. 11, 1837,	49 86
Leland, J. W., Div. Advocate 1st Div., for expenses of Court Martial convened at Hollis, July 19, 1837,	49 78
Leland, J. W., Div. Advocate 1st Div., for expenses of Court of Enquiry, April 24, 1837,	19 76
Groton, Nathl., Div. Advocate 4th Div., for expenses of Court of Enquiry, Aug. 4, 1837,	40 57
Groton, N., Div. Advocate 4th Div., for expenses of Court Martial held at Thomaston, April 11, 1837,	152 55
Leavett, J. T., Div. Advocate 8th Div., for expenses of Court of Enquiry,	16 88
Leavett, J. T., Div. Advocate 8th Div., for expenses of Court Martial convened at Farmington, Sept. 13, 1837,	71 28
Codman, Wm. H., Div. Advocate 5th Div., for expenses of Court Martial convened at Portland, July 19, 1837,	38 76
Rawson, Lyman, Div. Advocate 6th Div., for expenses of Court Martial held in Dixfield, Nov. 25, 1837,	157 17
Rawson, L., Div. Advocate 6th Div., for expenses making inquiry, &c.	8 00
Webster, James W. Lt. Col. 3d Div. for expenses of Court of Enquiry,	16 64
Webster J. W., Lt. Col. 3d Div., for expenses of Court of Enquiry,	15 46
Prescott, Joseph N. for services of Court of Enquiry, under General Order,	49 68
Frost, William, for services under General Order,	4 50
Frost, William, for services under General Order,	9 76
Bray, E. D., for services under General Order,	6 80
Davis, Francis, Jr., for service by order of Maj. Gen. White, 2d Div.,	9 45
Smith, Wendell P., for service under General Order, 2d Brig. 5th Div.,	16 62
Pierce, Josiah, Div. Advocate 5th Div., for expenses of Court Martial held at Westbrook, Sept. 21, 1837,	58 16
Pierce, J., Div. Advocate 5th Div., for expenses of Court Martial held at Westbrook, Sept., Oct. Nov., 1837,	114 44
Hodsdon, Isaac, Maj. Gen. 3d Div., for expenses taking depositions, &c. under General Order,	10 00
	<u>\$756 15</u>

AGGREGATE OF ROLL NO. XIX.

Courts Martial and Courts of Enquiry,	2,089 53
Aids de Camp to Major Generals,	150 62
Aids de Camp to Brigadier Generals,	260 00
Brigade Majors and Inspectors,	245 00
Adjutants of Regiments of Infantry,	1,181 91
Adjutants of Regiments and Battalions of Cavalry,	135 00
Adjutants of Battalions of Artillery,	190 00
Expenses of Artillery, Powder, &c.,	591 64
Sheriffs' Accounts,	373 37
Money paid for powder, and in lieu of rations to Militia, prior to 1837,	28 00
Money paid for powder, and in lieu of rations to Militia, in 1837,	13,508 93
Money paid for Bounty on Bears, Wolves, &c.	847 00
Coroners' Accounts,	108 53
Printers' Accounts,	2,162 82
Miscellaneous Accounts,	2,165 64
Sum Total,	<u>\$24,037 99</u>

CHAPTER 71.

Resolve for the payment of Accounts against the State.

Approved March 22, 1838.

RESOLVED, That there be allowed and paid from the Treasury of the State, out of any money not otherwise appropriated, to the several persons, cities, towns and plantations, mentioned in Roll of Accounts, No. 19, the sums set against the names of persons, cities, towns and plantations, respectively, amounting in the whole, to the sum of Twenty-four Thousand, Thirty-seven Dollars and Ninety-nine Cents, in full discharge of the Accounts and demands to which they refer.

CHAPTER 72.

Resolve in favor of Greenleaf Kiff and others.

Approved, March 23, 1838.

RESOLVED, That there be allowed and paid from the Treas-

ury of the State to the several persons hereinafter named the sums of money set against their respective names, to wit: to Greenleaf Kiff the sum of Thirteen Dollars, to Charles B. Weatherbee, Thirteen Dollars, it being for their travel and attendance to and at Augusta the present winter as witnesses in case of the contested election of Gideon Richards, a member of the House of Representatives:—to Bartholomew G. Greer, Daniel Robinson Jr., David Daniels, Aaron Edgcomb, and Isaac Ordway the sum of One Dollar and Eleven Cents each, it being for their legal fees as deponents in said case, and to Nathl. M. Lowney the sum of Seven Dollars and Fifty Cents it being for his legal fees as a Justice of the Peace in taking depositions in said case. And the Governor is hereby requested to draw his warrant upon the Treasurer in favor of Gideon Richards for the sum of Thirty-nine dollars and Five Cents, being the amount of the several sums aforesaid, to be by said Richards duly accounted for to the several persons aforesaid.

CHAPTER 73.

Resolve in relation to Oxford Bank.

Approved March 23, 1838.

RESOLVED, That there is not, and never has been any such Institution in this State as the Oxford Bank—that the issuing of Bills, purporting to be Bills of such Bank was a gross fraud on the public, and the projectors of that swindling scheme are totally unworthy of the confidence of the community, and should be made to suffer the most rigid penalties of the law for the punishment of such offenders made and provided.

CHAPTER 74.

Resolve for building a bridge across Moose River.

Approved March 23, 1838.

RESOLVED, That there be and is hereby appropriated the sum of Seven Hundred and Fifty Dollars for the purpose of building a bridge across Moose River, on the Canada Road,

and the Governor is hereby authorized and empowered to draw his warrant on the Treasurer of State for the aforesaid sum, Provided he be satisfied, by Bond or otherwise, that said sum with such aid as individuals may give, shall build in a good workmanlike manner, a good and substantial wooden Bridge across said river, not more than ten rods from the old Bridge, with sluiceways of sufficient width and height to admit lumber through at all seasons of the year.

CHAPTER 75.

Resolve in favor of Thomas Sawyer, Jr.

Approved, March 23, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of the State, to Thomas Sawyer, Junior, Thirteen Dollars and Fifty Cents, the same being for his time and expenses while attending before the Governor and Council in eighteen hundred and thirty-six, to settle the accounts against the State for surveying Township Letter D.

ADDITIONAL ROLL OF ACCOUNTS NO. 1.

FOR PAYMENT OF THE BOUNTY ON WHEAT.

The Committee appointed to examine the accounts of the Treasurers of the several cities, towns and plantations in this State for payment of the Bounty on Wheat, having attended to that duty, ask leave to present the following

REPORT:

That there is now due to the Treasurers of the several cities, towns and plantations, hereinafter mentioned, the sums set to their names respectively, which when allowed and paid will be in full discharge of said accounts.

Which is respectfully submitted,

WASHINGTON GARCELON, per order.

COUNTY OF KENNEBEC.

Cities, towns or plantations.	TREASURERS.	No. bushels of wheat raised.	Am't of bounty allowed each town.
Augusta,	John Potter,	27	2 42
Clinton,	David Hunter,	244	19 44
Waterville,	Augustine Perkins,	431 $\frac{3}{4}$	31 50
Wilton,	George Gage,	20	2 00
		722 $\frac{3}{4}$	55 36

COUNTY OF OXFORD.

Buckfield,	Henry Decoster,	93	7 18
Bethel,	Timothy Hastings,	536 $\frac{3}{4}$	43 40
Greenwood,	Enoch Crowell,	42	3 32
Newry,	Enoch Foster,	31	2 69
		702 $\frac{3}{4}$	56 59

COUNTY OF SOMERSET.

Avon,	Briggs Howland,	1,331 $\frac{3}{4}$	96 70
Kingfield,	Charles Pike,	378 $\frac{3}{4}$	25 91
Madison,	Joshua Blackwell,	693	51 98
Palmyra,	Samuel Shaw,	79	7 14
Parkman,	John Pratt,	133	10 02
		2,615 $\frac{3}{4}$	191 75

COUNTY OF PENOBSCOT.

Bangor,	John Wilkins,	371	26 26
Charleston,	Duston Page,	36	2 96
Sebec,	Jason Hassell,	167	12 42
		574	41 64

COUNTY OF WALDO.

Belmont,	Nath'l Cushman,	84	6 04
Waldo Pl.	Henry Davidson,	93½	7 98
		177½	14 02

RECAPITULATION.

COUNTIES.	No. of bushels.	Amount of bounty.
Kennebec, ...	722¼	55 36
Oxford, ...	702¼	56 59
Somerset, ...	2,615¼	191 75
Penobscot, ...	574	41 64
Waldo, ...	177½	14 02
	4,792¼	\$359 36

CHAPTER 76.

An Additional Resolve for payment of the Bounty on Wheat.

Approved March 23, 1838.

RESOLVED, That there be allowed and paid from the Treasury of the State, to the Treasurers of the several cities, towns, and plantations, mentioned in the "additional Roll of Accounts No. 1, for payment of the Bounty on Wheat," the sums set against their names respectively, amounting in the aggregate, to the sum of three hundred fifty-nine dollars and thirty-six cents in full discharge of said accounts.

CHAPTER 77.

Resolve in favor of Mary Riggs,

Approved, March 23, 1838.

RESOLVED, That the Land Agent be and he hereby is required to convey to Mary Riggs Lot numbered One in the Town of Greenbush in the County of Penobscot to have and to hold the same to the said Mary, during the period of her natural life, and then to descend to her heirs; and said lot of land shall not be liable to be attached or levied upon for the payment of any debts which the said Mary now owes or may hereafter contract, or which may be due from the estate of her former husband or any future husband if she should ever marry again, and shall not be subject to be conveyed or alienated by said Mary, she paying for said land Five Dollars at the time of said conveyance.

ADDITIONAL ROLL OF ACCOUNTS NO. 19, FOR 1838.

The Committee on Accounts having examined the several accounts referred, ask leave to present the following

R E P O R T :

That there is now due to the several persons, cities, towns and plantations hereinafter mentioned, the sums set to their names respectively, which when allowed and paid will be in full discharge of said accounts to the several dates therein named.

Which is respectfully submitted,

SAMUEL B. HOLT, per order.

MONEYS PAID FOR MILITIA AND BOUNTIES ON ANIMALS.

Name of the town.	Paid for Militia in 1837.	Bounty on Animals.	Sum total.
Brewer,		2 00	2 00
Bradley,	15 19		15 19
Baileyville,	10 48		10 48
Exeter, for 1836,	89 04		89 04
Exeter, for 1837,	80 17		80 17
Machias,	1 99		1 99
Phillips,	59 33	2 00	61 33
Pittston,	25 25		25 25
Ripley,	20 97	6 00	26 97
Lebanon,	91 45		91 45
Strong,	59 92		59 92
Waltham,		8 00	8 00
Sum total,	\$453 79	\$18 00	\$471 79

COURT'S MARTIAL AND ENQUIRY.

Rogers, Jona. P. for expenses holding Court of Enquiry under General Order,	30 00
Codman, Wm. H. Div. Advocate 5th Div. balance omitted in the 1st Roll,	2 00
Rawson, Lyman, Div. Advocate, 6th Div. for expenses of Court Martial omitted in Roll No. 19,	16 00
	<u>\$48 00</u>

ADJUTANTS TO REGIMENTS OF INFANTRY.

1837. Farnum, James H. Adjutant 1st Regt. 2d Brig. 6th Div. 25 00

1837.	Farnum, Jewett, Adjutant,	3d	Regt.	2d	Brig.	6th	Div.	25	00
"	Trafton, William,	"	3d	"	1st	"	1st	"	31 25
"	Leighton, Ichabod W.	"	1st	"	2d	"	5th	"	25 00
"	Labaree, James,	"	4th	"	1st	"	8th	"	8 33
"	Ludwig, N. W.	"	1st	"	2d	"	4th	"	25 00
									139 58

ADJUTANTS OF REGIMENTS AND BATTALIONS OF CAVALRY.

1837.	Bucknam, Wm. B.	Adj. of Battal.	1st Brig.	6th Div.	15 00
"	Knapp, David,	"	2d "	6th "	15 00
"	Allen, Newell Jr.	"	1st "	3d "	10 00
			[Error of \$5.]		\$35 00

BRIGADE MAJORS AND INSPECTORS.

1897.	Carpenter, Geo. S. Inspector 1st Brig. 2d Divis.	25 00
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EXPENSES OF ARTILLERY, &c.

1837.	Perkins, A. S. Captain of Topsham Artillery, for horse hire, &c.	14 75
"	Domell, Benj. Captain of Wiscasset Artillery for horse hire, &c.	16 00
"	Beals, Seth Jr. Captain of Turner Artillery for horse hire, (omitted in Roll 19,)	4 50
"	Strickland, A. S. C. Captain of Wilton Artillery for horse hire, &c.	20 00
		55 25

AID-DE-CAMP TO MAJOR GENERAL.

1836 and 1837. Stevens, Joseph C. Aid-de-Camp and Orderly
Officer 3d Div., 32 22

SHERIFFS' ACCOUNTS.

Carpenter, Joshua, for distributing Surplus Acts,	13 18
Blossom, Alden, " " " &c.	20 00
	\$33 18

MISCELLANEOUS ACCOUNTS.

Carter, H. L. for furnishing Carpet Bags, &c.	11 64
Hutchins, Nathaniel, for furnishing room, lights, &c. for the Committee on Gubernatorial Votes,	10 00
Tobey, Henry S. for travel and attendance before a Commit- tee of the Legislature,	18 00
Nash, Solomon Jr. for do. do. do. do. do.	4 20

ROLL OF ACCOUNTS.

337

1838. Getchell, George C., for making a full and perfect Index to the Journal of the House,	50 00
“ Trafton William, for making a full and perfect Index to the Journal of the Senate,	50 00
Tinkham, F. & Co., for making a Seal for the Senate,	5 00
Ripley, Christopher, for 48 days work making repairs upon the State House, &c.,	75 00
Carpenter, Geo. S., for Stationary, &c.	46 59
Hamlin, Hannibal, for enquiry into a contested election at Charleston,	5 00
Martin, Robert, for services preparing Senate Chamber,	10 00
Carpenter, Geo. S., for making 200 Record Books for Company Rolls,	250 00
Carpenter, Geo. S., for Bookbinding, &c.,	754 80
	<u>\$1,289 73</u>

PRINTERS' ACCOUNTS.

Smith & Robinson, for publishing in the Age the 'Laws of 1837, &c.	152 85
Smith & Robinson, for balance due on Job Printing,	3,937 66
Cobb, Charles, for publishing Acts, &c.	22 85
Pratt, H. P. for publishing in the Somerset Journal the Laws of 1837, &c.,	28 90
Colesworthy, D. C. for publishing in the Journal of Reform the Laws of 1837, &c.,	28 50
Printers of the Eastern Democrat, for publishing an Act concerning Surplus Revenue,	2 00
Millett, Henry W. for publishing in the Oxford Democrat certain Acts omitted in 1836 in the Roll of Accounts,	6 00
	<u>\$4,178 76</u>

CORONERS' ACCOUNTS.

1837. McClintock, Jas. T., for an Inquisition on the body of Robert Fisher of Belfast,	21 28
Smith, Stephen, for an Inquisition on the body of Mr. Mahoney of Hallowell,	20 80
	<u>\$42 08</u>

AIDS-DE-CAMP TO BRIGADIER GENERALS.

Dagget, Elijah D., Aid 2d Brig. 4th Div.,	<u>\$20 00</u>
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AGGREGATE OF ADDITIONAL ROLL, NO. 19.

Aids-De-Camp to Brigadier Generals,	20 00
Expenses of Militia for 1837,	453 79
Bounty on Animals,	18 00
Adjutants of Regiments of Infantry,	139 58
Adjutants of Regiments and Battalions of Cavalry,	35 00
Brigade Majors and Inspectors,	35 00

338 PAYMENT OF ACCOUNTS—RETURNS OF VOTES.

Expenses of Artillery, &c.,	55 25
Aids-De-Camp to Major Generals,	32 22
Sheriffs' Accounts,	33 19
Miscellaneous Accounts,	1,289 73
Coroners' Accounts,	42 03
Courts of Enquiry,	48 00
Printers Accounts,	4,178 76
	<u>\$6,870 54</u>

CHAPTER 78.

An Additional Resolve for the payment of Accounts against the State.

Approved, March 23, 1838.

RESOLVED, That there be allowed and paid from the Treasury of the State, out of moneys not otherwise appropriated, to the several persons, cities, towns and plantations mentioned in the additional Roll of Accounts, No. 19, the sums set against the names of such persons, cities, towns and plantations respectively, amounting in the whole to the sum of Six Thousand Three Hundred Seventy Dollars and Fifty Four Cents in full discharge of the accounts and demands to which they refer.

CHAPTER 79.

Additional Resolve providing for the printing and distribution of Blank returns of Votes.

Approved, March 23, 1838.

RESOLVED, That the Secretary of State cause to be printed and transmitted to the Clerks of the several Cities, Towns and Plantations in this State as soon as may be, Blank returns of Votes for Governor, Senators, Representatives in the State Legislature and Representatives in the Congress of the United States, agreeable to the forms in a Resolve approved February eighth, eighteen hundred and thirty-four—also Blanks to the several Counties in this State, for the return of votes for County Treasurer and Register of Deeds, yearly until otherwise ordered.

CHAPTER 80.

Resolve constituting the State Treasurer an auditor of Accounts against the State.

Approved, March 23, 1838.

RESOLVED, That the Treasurer be and hereby is constituted an Auditor for the purpose of receiving and examining the several Accounts that may hereafter be presented against this State, making his report to the Legislature on the same, which report shall be subject to the supervision of the Legislature. And said Treasurer shall receive such compensation for the aforesaid services as the Legislature shall deem just and proper.

CHAPTER 81.

Resolve authorizing the continuation of the Geological survey of the State.

Approved, March 23, 1838.

RESOLVED, That the Governor with the advice and consent of Council is hereby authorized to employ some suitable person or persons, to continue the Geological Survey of the State at a salary not exceeding Fifteen Hundred Dollars per annum.

RESOLVED, That the sum appropriated for this purpose shall be subject to the discretion of the Governor and Council, and be expended in continuing said Survey.

RESOLVED, That it shall be the duty of the Governor and Council to lay before the Legislature at its next annual session a detailed account of the progress of the survey together with the expenditures in prosecuting the same.

CHAPTER 82.

Resolve in favor of certain persons hereinafter mentioned.

Approved March 23, 1838.

RESOLVED, That there be paid out of the Treasury of

State to William Dickey for services as Brigade Major the sum of Twenty-five Dollars—to Louis T. Cushing, the sum of Twenty-five Dollars for services as Adjutant second Regiment, first Brigade, fourth Division—to Treasurer of the town of Salem for bounty paid for one Wolf's head, Fifteen Dollars—to Solomon Nash, Jr. Two Dollars and Eighty Cents in addition to the sum allowed him by the Committee on Accounts for his attendance before a Committee of the Legislature.

CHAPTER 83.

Resolve in favor of the Counties of Franklin and Piscataquis.

Approved March 23, 1838.

RESOLVED, That the sum of One Thousand Two Hundred Dollars, be and the same is hereby granted as a tax for the County of Franklin, to be appropriated, assessed, collected and applied for the purpose of paying the necessary expenses of said County, and such other purposes ordered by law for the year eighteen hundred and thirty-eight, provided the Act establishing the said County of Franklin, should take effect, at the time and manner prescribed in said Act and not otherwise.

RESOLVED, That the sum of One Thousand Two Hundred Dollars, be and the same is hereby granted, as a tax for the County of Piscataquis, to be appropriated, assessed, collected and applied for the purpose of paying the necessary expenses of said County, and such other purposes ordered by law for the year eighteen hundred and thirty-eight.

CHAPTER 84.

Resolve for the purchase and distribution of Porter's new and improved Chart of the Coast of Maine.

Approved, March 23, 1838.

RESOLVED, That the Secretary of State is hereby authorized to purchase Fifty sets of Porter's new and improved Chart of the Coast of Maine, at a price not exceeding Eight Dollars per Set.

RESOLVED, That the Governor and Council are hereby authorized to draw their warrant upon the Treasurer of the State for the necessary sum to pay for said copies.

RESOLVED, That it shall be the duty of the Secretary of State, after having made the purchase aforesaid, to furnish each College and incorporated Academy in this State with one set thereof.

CHAPTER 85.

Resolve authorizing a temporary Loan in behalf of the State.

Approved March 23, 1838.

RESOLVED, That the Treasurer be, and he hereby is authorized to procure on the faith of the State, a loan of Two Hundred and Six Thousand Four Hundred Dollars, reimbursable in five years at a rate of interest not exceeding *five per cent.* payable annually, for the purpose of paying the several Banks the amount due to them respectively from the State, and said Treasurer is hereby authorized and directed to issue State securities or certificates therefor, and any Bank deciding within three months from the passage of this Resolve to receive in payment for the amount due them from the State, the securities or certificates as aforesaid shall have the right so to do, and said certificates so taken in payment, shall be considered as part of the loan, which they are required to make to the State, under the Act regulating Banks and Banking, passed March thirty-first, eighteen hundred and thirty-one.

RESOLVED, That a Resolve entitled a Resolve authorizing a temporary loan in behalf of the State, approved February twenty-seventh, eighteen hundred and thirty-eight, be and the same is hereby repealed.

CHAPTER 86.

Resolve additional to a Resolve in favor of certain Officers and Soldiers of the Revolutionary War, and the Widows of deceased Officers and Soldiers.

Approved March 23, 1838.

RESOLVED, That the Resolve in favor of certain Officers

and Soldiers of the Revolutionary War and the Widows of deceased Officers approved March seventeenth, eighteen hundred and thirty-five shall be so construed and carried into operation as to extend the benefits of the same as well to each non-commissioned officer and soldier and to the widow of each non-commissioned officer and soldier who enlisted and served in the army of the Revolution during the war in the line or lines of any other State as in the Massachusetts line—Provided, said non-commissioned officers or soldiers or the widows of said non-commissioned officers or soldiers have not already received a grant of land or money in lieu thereof from any other State; and provided further that said non-commissioned officer or soldier, or the widow of said non-commissioned officer or soldier was an inhabitant of this State on the seventeenth day of March, eighteen hundred and thirty-five, and that the full benefit of said Resolve shall be extended to them in the same manner and upon the same conditions as the said Resolve has been extended to the non-commissioned officers and soldiers of the Massachusetts line.

RESOLVED, That so much of the Resolve above named as relates to the term of enlistment and service shall be so construed as to entitle to the benefits of said Resolve those non-commissioned officers and soldiers and the widows of such non-commissioned officers and soldiers who actually served three years, although they may not have enlisted for that term.

RESOLVED, That these Resolves and the Resolves to which these are additional shall be and remain in force for the period of two years after these Resolves shall have been approved by the Governor.

CHAPTER 87.

Resolve in favor of the Inhabitants of the town of Perry.

Approved March 23, 1838.

RESOLVED, That the County Commissioners for the County of Washington have power to lay out and locate a road over a lot of land in the town of Perry purchased by the State for the use of the Passamaquoddy Tribe of Indians.

CHAPTER 88.

Resolve authorizing the Treasurer to receive proposals for a Loan in behalf of the State.

Approved March 23, 1838.

RESOLVED, That the Treasurer be and he hereby is directed to advertise for a Loan of Three Hundred Thousand Dollars, at least thirty days prior to the session of the next Legislature, and to receive proposals until the fifteenth day of January next, for said Loan as follows, viz : One Hundred Thousand Dollars, payable in ten years, One Hundred Thousand Dollars payable in eleven years, One Hundred Thousand Dollars payable in twelve years, with interest payable annually.

CHAPTER 89.

Resolves in relation to the North Eastern Boundary.

Approved March 23, 1838.

RESOLVED, That it is not expedient to give the assent of this State to the Federal Government to treat with that of Great Britain for a Conventional Line for our North Eastern Boundary, but that this State will insist on the line established by the Treaty of seventeen hundred and eighty-three.

RESOLVED, That as this State has never heretofore given her consent to the appointment of an Umpire under the Treaty of Ghent in eighteen hundred and fourteen, but has protested against the same, and as she believes it to be a grave question, whether the provision in the Treaty for this purpose has not done its office and is therefore no longer in force, she is not now prepared to give her assent to the appointment of a new Arbitrator.

RESOLVED, That our Senators and Representatives in Congress be requested to urge the passage of the Bill for the Survey of the North Eastern Boundary of the United States, &c. now pending in Congress, and that if said Bill shall not become a law during the present session of Congress, and if the Government of the United States, either alone or in conjunction with Great Britain or the State of Maine, shall not on or before the first day of September next, establish and appoint a commis-

sion for a survey of said Boundary line, it shall then be the imperative duty of the Governor, without further delay, to appoint forthwith, suitable Commissioners and Surveyors for ascertaining, running and locating the North Eastern Boundary Line of this State, and to cause the same to be carried into operation.

RESOLVED, That the Governor be requested to transmit to the President of the United States one copy of his Message to the Legislature on the subject of the North Eastern Boundary and these Resolutions, and one copy of the same to each of the Heads of Department at Washington one copy to each of our Senators and Representatives in Congress, and one copy to the Governor of Massachusetts.

CHAPTER 90.

Resolve laying a Tax on the several Counties in this State.

Approved March 23, 1838.

RESOLVED, That the sums annexed to the several Counties contained in the following Schedule be and the same are hereby granted as a Tax for each County respectively, to be appropriated, assessed, collected and applied for the purposes of paying the debts and necessary expenses of the same, and other purposes ordered by law.

County of York, Eight Thousand and Six Hundred Dollars.

County of Cumberland, Seventeen Thousand Dollars.

County of Lincoln, Nine Thousand Five Hundred and Seventy-Three Dollars.

County of Kennebec, Ten Thousand Dollars.

County of Hancock, Five Thousand Dollars.

County of Washington, Seven Thousand Dollars.

County of Somerset, Five Thousand Five Hundred Dollars.

County of Oxford, Six Thousand Dollars.

County of Waldo, Seven Thousand Dollars.

County of Penobscot, Twelve Thousand Dollars.

CHAPTER 91.

Resolve in favor of the Town of Otisfield.

Approved March 23, 1838.

RESOLVED, That there be allowed and paid from the Treasury of this State to the Treasurer of the Town of Otisfield, Twenty Dollars, it being a mistake on the Bounty on Wheat in said Town.

CHAPTER 92.

Resolve in favor of Charles Gellerson.

Approved, March 23, 1838.

RESOLVED, That there be paid out of the Treasury of this State, to Charles Gellerson, of Fowler Gore, in the County of Washington, the sum of Seven Dollars and Forty Cents, it being a Bounty on Wheat raised by him during the year one thousand eight hundred and thirty-seven.

CHAPTER 93.

Resolve authorizing the Land Agent to procure certain plans from the Land Officer in Massachusetts.

Approved March 23, 1838.

RESOLVED, That the Land Agent be authorized and directed to procure from the Land Officer in Massachusetts, at the expense of the State an attested copy of all the plans and surveys of Islands situated in this State—also a Schedule of all the Islands sold by the Commonwealth of Massachusetts designating the date of each sale and the names of the respective purchasers, and deposite the same in the Land Office—Provided, however, that the expense shall not exceed the sum of Seventy-five Dollars.

CHAPTER 94.

Resolve in favor of Joseph E. Shorey.

Approved March 23, 1838.

RESOLVED, That there be paid out of the Treasury of this State to Joseph E. Shorey of Fowler Gore, in the County of Washington, the sum of Nine Dollars and Sixty-eight Cents, it being a bounty on wheat raised by him during the year one thousand eight hundred and thirty-seven.

CHAPTER 95.

Resolve in favor of Nathaniel Hanscom.

Approved March 23, 1838.

RESOLVED, That the State Treasurer be, and he hereby is authorized and directed to pay Nathaniel Hanscom of Dixmont, one of the members of the House of Representatives, the sum of Fifteen Dollars, it being expenses incurred by him for medical attendance during this Session.

CHAPTER 96.

Resolve in favor of Joseph Wardwell.

Approved March 23, 1838.

RESOLVED, That the Land Agent be and hereby is authorized to convey by deed to Joseph Wardwell or his assigns the lot of land in Township numbered Two, of the Indian Purchase to which the said Wardwell was entitled by a certificate numbered one hundred and twenty-one, issued by the Land Agent on the fifth day of September, A. D. one thousand eight hundred and thirty-five, under the provisions of the "Resolve in favor of certain officers and soldiers of the Revolutionary War and the widows of the deceased officers and soldiers," approved March seventeenth, one thousand eight hundred and thirty-five, the said certificate having been lost.

CHAPTER 97.

Resolve in favor of Luther Severance.

Approved March 23, 1838.

RESOLVED, That there be paid out of the Treasury of the State, out of any moneys not otherwise appropriated, to Luther Severance the sum of One Thousand Dollars in part payment for job printing for the year one thousand eight hundred and thirty-eight.

CHAPTER 98.

Resolve in favor of Education.

Approved March 23, 1838.

RESOLVED, That all Academies and High Schools now incorporated, and which have not received any appropriations from the State of Maine or Massachusetts or which may hereafter be incorporated or established to the satisfaction of the Governor and Council and which shall have received from private and individual donations, the amount of One Thousand Dollars, shall be entitled to receive from the State the sum of Three Hundred Dollars; and if the private and individual donations shall amount to the sum of Fifteen Hundred Dollars and upwards, such Academies and High Schools shall be entitled to receive the sum of Five Hundred Dollars;—Provided, in all cases the money shall actually be paid over to the Trustees or Treasurer of said Academies or High Schools, by the individual donors, before said Academies or High Schools shall receive the benefit of this Resolve, and said money shall remain as a sacred trust for the benefit of said Academy or High School, and shall not be diverted to any other purpose; and provided further, that not more than one incorporated Academy or High School established in any city, town or plantation, shall be entitled to receive the appropriation provided for in this resolve, and the Governor by and with the advice and consent of the Council, is hereby authorized to draw his warrant for the sum appropriated by this Resolve on receiving satisfactory evidence that the private and individual donations amount to the sum which entitles such Academy or High School to said

appropriations, and in such instalments as he shall deem proper—Provided, that no warrant shall be drawn for more than One Hundred Dollars in one year for any Academy or High School.

CHAPTER 99.

Resolve in favor of Town of Belmont.

Approved, March 23, 1838.

RESOLVED, That the State Treasurer be, and he hereby is authorized and directed to pay to the Treasurer of the town of Belmont in the County of Waldo the sum of Three Dollars and Fifty Cents, it being for a like sum paid by said town to seven soldiers on the day of review and which the town has never been repaid.

CHAPTER 100.

Resolve in favor of Jacob Doughty.

Approved March 23, 1838.

RESOLVED, That the Governor and Council be and hereby are authorized to place Jacob Doughty on the list of the beneficiaries under the Resolve in relation to the indigent blind providing for placing them at the New England Asylum for the Blind at Boston, notwithstanding he may be over the age of forty years.

CHAPTER 101.

Resolves relating to Fortifications on our Frontier.

Approved March 23, 1838.

RESOLVED, That the maritime frontier and the extensive interior position of this State are in a defenceless and exposed situation, and we rely, with confidence, that the Federal Gov-

ernment will cause suitable fortifications to be erected for the defence of the same.

RESOLVED, That the erection of a strong fortification in some eligible position in the eastern section of this State, is imperatively and loudly called for by the increasing necessity of extending the protection of our laws to the citizens living in that vicinity.

RESOLVED, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure suitable appropriations for the objects contemplated in the foregoing Resolves.

RESOLVED, That the Governor be requested to send one copy of his message to the Legislature, in relation to fortifications, and one copy of these Resolves, to the President and the Vice President of the United States, to each of the Heads of Department at Washington, and to each of our Senators and Representatives in Congress.

CHAPTER 102.

Resolve in favor of George Robinson.

Approved March 23, 1838.

RESOLVED, That there be allowed and paid to Geo. Robinson, out of any moneys in the Treasury, not otherwise appropriated, Four Hundred Dollars in part for printing for the State for and during the year eighteen hundred and thirty-eight, and the Governor is hereby authorized to draw his warrant on the Treasury for the same.

CHAPTER 103.

Resolve in favor of Justus Kennedy.

Approved, March 23, 1838.

RESOLVED, That there be allowed and paid out of the State Treasury, Twenty-Five Dollars to Justus Kennedy, in full for his services as Brigade Major, 2d Brigade, 4th Division of the Militia of this State, and the Governor is hereby authorized to draw his warrant on the Treasury for the same.

PAY ROLL

Of the Members of the House of Representatives of the Eighteenth Legislature of the State of Maine, holden in Augusta, commencing January third and ending March twenty-third, one thousand eight hundred and thirty-eight.

TOWNS.	MEMBERS' NAMES.	Miles travel.	Days attendance.	Amount of travel and attendance.	Additional day.	Amount.
COUNTY OF YORK.						
Newfield,	Moses Ayer,	95 74	\$167			
Acton,	Asa Brackett,	105 79	179	1	2	
Shapleigh,	Elisha Bodwell,	100 64	148			
Limerick,	Simeon Barker,	90 76	170			
York,	Solomon Brooks,	100 78	176			
Hollis,	Thomas Carle,	80 79	174			
Buxton,	Abraham L. Came,	75 69	153			
Alfred,	George W. Came,	90 79	176	1	2	
Waterborough,	William Cook,	90 79	176	1	2	
Lyman,	Benjamin Dudley,	95 76	171			
Kittery,	Daniel Frisbee,	115 76	175			
North Berwick,	Wilson Hobbs,	100 79	178	1	2	
South Berwick,	William Hight,	105 79	179	1	2	
Saco,	Abel Hersey,	75 79	173	1	2	
Biddeford,	Ichabod Jordan,	80 79	174	1	2	
Lebanon,	Increase S. Kimball,	100 73	166	1	2	
Kennebunk,	James Lord,	85 79	175			
Limington,	George S. Lord,	85 79	175			
Wells,	Charles A. Mildram,	95 75	169			
Cornish,	Thomas W. O'Brien,	90 74	166			
Sanford,	John T. Paine,	95 64	147			
Kennebunk Pt.	William Patten,	95 76	171			
Elliot,	Levi J. Shapleigh,	120 79	182	1	2	
Parsonsfield,	Harvey M. Towle,	100 76	172			
COUNTY OF CUMBERLAND.						
Portland,	James Appleton,	60 79	170	1	2	
Falmouth,	Ezra T. Buckman,	60 79	170	1	2	
N. Yarmouth,	William Buxton,	50 79	168	1	2	
N. Gloucester,	Osgood Bradbury,	40 79	166	1	2	
Portland,	Randolph A. L. Codman,	60 75	162	1	2	
Brunswick,	David Dunlap,	30 79	164	1	2	

Durham,	Thomas Estes,	40 79	166	1	2
Portland,	Charles Fox,	60 59	130		
Gray,	James Ford,	50 79	168	1	2
Baldwin,	Ephraim Flint,	90 79	176	1	2
Harpswell,	Washington Garcelon,	45 79	167	1	2
Gorham,	Caleb Hodsdon,	70 79	172	1	2
Otisfield,	John Hancock,	65 79	171	1	2
Standish,	James Harding,	70 79	172	1	2
Windham,	Allen Hamlin,	65 79	171	1	2
Portland,	Sylvanus R. Lyman,	60 79	170	1	2
Minot,	William Lowell Jr.,	45 79	167	1	2
Poland,	Stephen M. Marble,	60 79	170		
Scarborough,	Daniel Moulton 3d.,	80 79	174	1	2
Danville,	John Penley,	40 79	166		
Cumberland,	Joseph Smith,	50 59	123		
Cape Elizabeth,	Hiram Staples,	80 79	174	1	2
Freeport,	Alfred Soule,	45 79	167	1	2
Westbrook,	Moses Stiles,	70 79	172	1	2
Raymond,	John Small Jr.,	60 79	170	1	2
Bridgton,	Moody F. Walker,	80 70	156		
Pownal,	Henry Warren,	45 79	167	1	2

COUNTY OF LINCOLN.

New Castle,	William Ames,	40 79	166	1	2
Union,	Peter Adams,	40 79	166	1	2
Boothbay,	Jason Fuller,	55 79	169	1	2
Bowdoinham,	Job Gray,	25 79	163	1	2
Jefferson,	Peter T. Gray,	25 78	161		
Lisbon,	Mark Garcelon,	30 79	164	1	2
Dresden,	Edward E. Houdlette,	20 79	162	1	2
Thomaston,	Joseph Hewett,	50 74	158		
Bristol,	David Huston,	50 79	168	1	2
Wiscasset,	Wales Hubbard,	40 79	166	1	2
Cushing,	Aaron Hathorn,	55 79	169	1	2
Bowdoin,	Thomas M. Lewis,	30 79	164	1	2
Lewiston,	James Lowell,	35 79	165	1	2
Thomaston,	Atwood Levensaler,	50 79	168	1	2
Whitefield,	Cephas W. Lewis,	20 79	162	1	2
Waldoboro',	Jacob Ludwig,	40 79	166	1	2
Nobleboro',	Josiah Myrick,	40 79	166	1	2
Washington,	William Newhall,	35 79	165	1	2
St. George,	Ebenezer Otis,	70 79	172	1	2
Warren,	Edward O'Brien,	50 79	168		
Bath,	George F. Patten,	40 79	166		

Phippsburg,	William M. Reed,	50 79	168	1	2
Topsham,	John H. Thompson,	30 79	164	1	2
Woolwich,	John Thwing,	45 78	165		
Edgecomb,	John Chase,	40 79	166	1	2

COUNTY OF HANCOCK.

Deer Isle,	Jacob Carleton,	140 62	152		
Surry,	John Clark,	105 79	179	1	2
Sedgwick,	Mark Dodge,	150 78	186		
Trenton,	Moses T. Graves,	115 79	181	1	2
Greenfield,	Horatio Gray,	100 79	178	1	2
Bucksport,	Samuel Hinks,	85 79	175	1	2
Swan Island,	Benjamin Stinson,	150 69	168		
Vinalhaven,	James Smith,	130 79	184	1	2
Orland,	Rufus Trussel,	85 79	175	1	2
Castine,	Josiah Wilson,	95 79	177		
Franklin,	John West,	110 74	170		
Hancock,	Timothy Lord,	95 53	125		

COUNTY OF WASHINGTON.

Calais,	James Boies,	250 79	208	1	2
Perry,	William D. Dana,	240 72	192		
Baileyville,	William Delesdernier,	250 79	208	1	2
Lubec,	Samuel Fowler,	220 79	202	1	2
Houlton,	Thomas Gilpatrick,	240 79	206	1	2
East Machias,	Peter T. Harris,	190 79	196	1	2
Eastport,	George W. McLellan,	230 79	204	1	2
Addison,	Nathaniel Nash,	170 78	190		
Machias,	William B. Smith,	185 79	195	1	2
Harrington,	Samuel N. Wilson,	160 78	188		
East Machias,	Gowen Wilson,	190 44	126		

COUNTY OF KENNEBEC.

Winslow,	Robert Ayer,	20 79	162	1	2
Hallowell,	James Atkins,	5 79	159	1	2
Belgrade,	David Blake,	20 79	162	1	2
Readfield,	John O. Craig,	10 79	160	1	2
Waterville,	Calvin Gardner,	20 79	162	1	2
China,	Timothy F. Hanscomb,	25 79	163	1	2
Winthrop,	Ezekiel Holmes,	10 79	160	1	2
Leeds,	Solomon Lothrop,	20 79	162	1	2
Wilton,	Melvin V. Leach,	35 79	165	1	2
Augusta,	George W. Morton,	79	158	1	2
Litchfield,	John Neal,	15 79	161	1	2

Monmouth,	Otis Norris,	15 79	161	1	2
Vienna,	Benjamin Porter,	25 79	163	1	2
Hallowell,	Henry W. Paine,	5 79	159	1	2
Farmington,	Josiah Prescott,	35 79	165	1	2
Temple,	James Russell,	40 79	166	1	2
Sidney,	Asa Smiley,	10 79	160	1	2
Pittston,	Hiram Stevens,	10 79	160	1	2
Gardiner,	Parker Sheldon,	10 79	160	1	2
Windsor,	John B. Swanton,	10 79	160	1	2
Vassalborough,	Moses Taber,	15 79	161	1	2
Fayette,	Joseph H. Underwood,	15 79	161	1	2
Augusta,	Richard H. Vose,	79	158	1	2
Clinton,	Matthias Weeks,	25 79	163	1	2
New Sharon,	Franklin Weeks,	25 79	163	1	2

COUNTY OF OXFORD.

Oxford,	William S. Allen,	50 79	168	1	2
Newry,	Cyprian Cole,	70 79	172	1	2
Waterford,	Daniel Chaplin,	75 79	173	1	2
Bethel,	Phineas Frost,	70 79	172	1	2
Turner,	Isaac Gross,	30 66	138		
Paris,	Rufus K. Goodenow,	45 79	167	1	2
Canton,	Otis Hayford,	35 79	165	1	2
Mexico,	Curtis P. Howe,	50 79	168	1	2
Livermore,	Samuel B. Holt,	30 79	164	1	2
Brownfield,	Zachariah Miller,	100 79	178	1	2
Fryeburg,	James O. McMillan,	100 79	178	1	2
Weld,	James Masterman, Jr.	55 79	169	1	2
Buckfield,	Virgil D. Parris,	35 79	165	1	2
Rumford,	Lyman Rawson,	60 79	170	1	2
Norway,	Elliot Smith,	55 79	169	1	2
Porter,	Samuel Taylor,	100 79	178	1	2
Hartford,	Joseph Dearborn,	40 2	12	1	2

COUNTY OF SOMERSET.

Concord,	Benjamin C. Atwood,	60 79	170	1	2
Wilson,	Harrison G. O. Barrows,	125 79	183	1	2
Bloomfield,	Abner Coburn,	40 79	166	1	2
Strong,	Benjamin Dodge,	45 73	155		
Fairfield,	Johnson Frost,	25 79	163	1	2
Mercer,	Hannibal Ingalls,	40 79	166	1	2
Harmony,	John Marble 2d,	65 79	171	1	2
Cornville,	Benjamin McDaniel,	50 79	168	1	2
Canaan,	Milford P. Norton,	40 79	166	1	2

New Portland,	Thomas Pennel,	65 79	171	1	2
Phillips,	Asa Robbins Jr.,	60 79	170	1	2
Norridgewock,	John S. Tenney,	40 79	166	1	2
Athens,	James S. Tobey,	55 79	169	1	2
Solon,	John Whipple,	65 79	171	1	2
Kingfield,	John B. Welcome,	75 79	173	1	2
Pittsfield,	John Webb,	50 52	114	1	2

COUNTY OF PENOBSCOT.

Bangor,	Elisha H. Allen, <i>Speaker</i> ,	70 79	330	1	4
Exeter,	Noah Barker,	90 79	176	1	2
Newport,	Henry Butler,	60 79	170	1	2
Milford,	Thomas C. Burleigh,	80 79	174	1	2
Atkinson,	Daniel Chase,	110 79	180	1	2
Orrington,	Joseph Doane,	70 79	172	1	2
Lagrange,	Stephen Danforth,	95 79	177	1	2
Levant,	Jacob Greeley,	85 79	175	1	2
Hampden,	Hannibal Hamlin,	65 79	171	1	2
Corinna,	Luther Harmon,	70 79	172	1	2
Dixmont,	Nathaniel Hanscom,	55 79	169	1	2
Burlington,	Amzi Libbey,	130 79	184	1	2
Dover,	Mordecai Mitchell,	110 79	180	1	2
Guilford,	Norman E. Roberts,	110 79	180	1	2
Milo,	Nymphas Turner,	110 79	180	1	2
Orono,	Ebenezer Webster,	80 79	174	1	2
Dixmont	F. A. Butman,	55 22	55		

COUNTY OF WALDO.

Frankfort,	Nathaniel Atwood,	70 76	166		
Northport,	George W. Brown,	55 79	169	1	2
Montville,	John Bryant,	35 79	165	1	2
Liberty,	Albert Cargill,	35 79	165	1	2
Lincolnvile,	Ingraham Duncan,	60 79	170	1	2
Unity,	Thomas Fowler Jr.,	35 79	165	1	2
Prospect,	Josiah Grant,	60 79	170	1	2
Thorndike,	Elias Harmon,	55 79	169	1	2
Hope,	George Lermont,	50 79	168	1	2
Belfast,	James McCrillis,	45 79	167	1	2
Belmont,	Gideon Richards,	40 79	166	1	2
Brooks,	Thomas Sawyer Jr.,	55 79	169	1	2
Camden,	Ebenezer Thorndike,	65 79	171	1	2
Freedom,	John True,	35 79	165	1	2

PAY ROLL OF THE HOUSE.

355

Clerk,	Geo. C. Getchell,	80	280
Do.	Do. additional,	30	105
Assistant Clerk,	William D. Little,	80	160
Chaplains,	Thomas Curtis,		5
"	Benjamin Tappan,		5
"	Silas Curtis,		5
"	John H. Ingraham,		5
"	Edward H. Edes,		5
"	William A. Drew,		5
"	Daniel Fuller,		5
"	Charles Blanchard,		5
"	Eliphalet Gillet,		5
"	Sylvanus G. Sargent,		5
"	Eli Thurston,		5
"	Jonathan Cole,		5
"	Elisha M. Toby,		5
"	George Webber,		5
"	Charles C. Burr,		5
Messenger,	John Hanscom, including		
	Page and two assistants,	78	390
"	Thomas Baker, including		
	Page and two assistants,	9	45

RECAPITULATION.

COUNTIES, &c.	Miles.	Attend.	Amount.
County of York, ...	2260	1828	4,108
Cumberland, ...	1570	2103	4,520
Lincoln, ...	1005	1988	4,177
Hancock, ...	1360	896	2,062
Washington, ...	2325	832	2,129
Kennebec, ...	420	2000	4,084
Oxford, ...	1000	1269	2,738
Somerset, ...	900	1246	2,672
Penobscot, ...	1445	1302	3,053
Waldo, ...	695	1116	2,371
Clerk, ...			280
Clerk, additional, ...			105
Assistant Clerk, ...			160
Chaplains, ...			75
Messenger, Page and assistants, ...			435
			<u>\$32,969</u>

CHAPTER 104.

Resolve on the Pay Roll of the House of Representatives.

Approved, March 23, 1838.

RESOLVED, That there be allowed and paid out of the Treasury of this State, to the several persons named in the preceding Roll, the sums set against their respective names, amounting to thirty-two thousand nine hundred and sixty-nine dollars.

PAY ROLL

Of the Senate—Eighteenth Legislature, at the session held at Augusta, commencing on the third day of January, and ending on the twenty-third day of March, in the year of our Lord, one thousand eight hundred and thirty-eight.

DISTRICTS.	NAMES.	Miles travel.	Days attendance.	Amount of pay.
<i>First District.</i>	Stephen Woodman,	150	80	175
	Levi J. Ham,	190	80	179
	Samuel Mildram,	190	80	179
<i>Second District.</i>	Rufus Soule,	90	80	169
	Nathan L. Woodbury,	90	80	169
	Nath'l S. Littlefield, <i>Pres't</i> ,	150	80	335
	Roscoe G. Greene,	120	80	172
<i>Third District.</i>	Johnson Jaques,	50	80	165
	Benjamin Randall,	90	80	169
	Lucius Barnard (deceased)	40	23	50
	Edward Robinson,	80	80	168
	Joseph Cargill,	90	52	113
<i>Fourth District.</i>	John T. P. Dumont,	10	80	161
	Timothy Boutelle,	40	80	164
	Hiram Belcher,	80	80	168
<i>Fifth District.</i>	Samuel S. Heagan,	130	80	173
	Jesse Smart,	90	80	169
<i>Sixth District.</i>	Sewall Lake,	170	80	177
<i>Seventh District.</i>	Thomas Robinson,	190	73	165
<i>Eighth District.</i>	Shelomith S. Whipple,	500	75	200
<i>Ninth District.</i>	Ebenezer Higgins,	190	80	179
	Daniel Emery,	130	67	147
	Add. for Pres. pro tem.	13	13	52
<i>Tenth District.</i>	Daniel Steward Jr.,	100	80	170
	Cyrus Fletcher,	70	80	167
<i>Eleventh District.</i>	Edward L. Osgood,	220	80	182
	Job Prince,	60	80	166

William Trafton, <i>Secretary</i> ,	80	280
Additional for making up }		
Journal &c. }	30	105
Archelaus D. Atwood, <i>Assistant Secretary</i> .	80	160
Robert Martin, <i>Messenger</i> ,		
For himself and all his assistants. }	80	360

CHAPLAINS.

Eliphalet Gillet,	5
Benjamin Tappan,	5
William A. Drew,	5
John H. Ingraham,	5
Silas Curtis,	5
E. H. Edes,	5
Charles Blanchard,	5
Daniel Fuller,	5
George Webber,	5
E. Thurston,	5
C. C. Burr,	5
E. M. Tobie,	5
Jonathan Cole,	5
Sylvanus G. Sargent,	5
Thomas Curtis,	5
	5463

CHAPTER 105.

Resolve on the Pay Roll of the Senate.

Approved March 23, 1838.

RESOLVED, That there be paid to the several persons named in the above and preceding Roll, the sum set against their names respectively, amounting, in the whole, to the sum of Five Thousand Four Hundred and Sixty-three Dollars.

CHAPTER 106.

Resolve in favor of Ingraham Duncan.

Approved March 23, 1838.

RESOLVED, That there be paid out of the Treasury the sum of Twenty-five Dollars, to Ingraham Duncan, a member of the House of Representatives, for accidental injury done to his person, and the Governor is hereby authorized to draw his warrant on the Treasury for the same.

STATE OF MAINE.

IN SENATE, March 8, 1838.

The Joint Standing Committee on the Judiciary, to whom was referred the petition of Warren Clark and Mary Clark, praying that the bonds of matrimony may be dissolved, because after having lived in the marriage state four years, they find their tempers and dispositions so utterly incompatible, that the "matrimonial chain has become exceedingly galling"—have had the same under consideration, and ask leave to submit the following

REPORT :

As petitions of this kind have become somewhat frequent, and as unfortunately, as your committee believe, for the character of the State, they have, in some two or three instances, been successful ; the petition now under consideration would seem to furnish a fit occasion to examine as to the power of the Legislature, in such cases, to entertain jurisdiction and grant relief ; so that if it should be found, on examination, that it cannot rightfully exercise such power, its time, in future, may not be consumed in investigating the facts in such cases, and the people may become satisfied that the Legislature is not the proper tribunal to which application for relief in such cases is to be made.

Marriage is not considered as a mere contract, liable to be continued or dissolved at the pleasure of the parties, and as having only the incidents of an ordinary contract ; but it is treated and considered as more—as a civil institution, more interesting and important, in its nature and consequences, than any other known to society ; inasmuch as it involves the sound morals, the domestic affections, and all the tender and endearing relations and duties of parents and children. "And it may be truly said, that Christianity, by giving to it a more affecting and sublime morality, has conferred on mankind new blessings, and has elevated woman to the rank and dignity of an equal, instead of being a humble companion and a devoted slave." Our laws in relation to divorces are made in reference to considerations of public policy, and not to the mere contract of the parties ; and therefore they are not permitted to make the marriage contract dissoluble or indissoluble by any private agreement made at or after the marriage. The question then arises, to what tribunal does it belong to dissolve the marriage contract—a contract, as above described, far transcending, in its importance and effects on society, all other contracts ? Is the

exercise of such a power, in its nature, judicial or legislative? Your committee are constrained to believe it is essentially judicial. Our constitution declares "that the powers of this Government shall be divided into three distinct departments, the Legislative, the Executive and the Judicial;" "that the Legislature shall have full power to make and establish all reasonable laws and regulations for the defence and benefit of the people of this State, not repugnant to this Constitution, nor that of the United States." It also provides that "the Judicial power of this State shall be vested in a Supreme Judicial Court, and such other Courts as the Legislature shall, from time to time, establish;" and that "every person, for an injury done in his person, reputation, property or immunities, shall have remedy by due course of law." From these provisions in our Constitution, it would seem to follow, that it is the appropriate business of the Legislature to make laws for the benefit of the people; and the legitimate province of Judges to interpret, expound and apply them. If the Legislature undertakes to dissolve a marriage contract, it either conforms its decision to the existing laws in relation to divorces; or it disregards these laws, and in effect, makes a new law unknown to all the world before, and then proceeds to apply it to the particular case. If it conforms its decision to existing laws, it then exercises concurrent authority with our Courts; and if it can properly exercise concurrent authority in this all important class of cases, why may it not extend its jurisdiction and power to all other cases? and thus our Legislators, becoming our Judges, would be brought, in the language of some of the petitions to this Legislature, "within the reach of the people," and that annually too. And Judges of this character, it will be perceived, would not be subject to be impeached or removed on address—an inconvenience to which the Judges known to our Constitution are very properly subjected. But if, in such cases, the Legislature, in effect, makes a new law unknown before, fitted to each particular case as it is presented, and applies it to such case, it must be conceded by all, it violates that provision of the Constitution which gives every person, for an injury done, "a remedy in due course of law." Besides, laws in order to be constitutional, cannot look to the past or the present, but to the future, otherwise they violate the very definition of a law, which is a "rule of civil conduct." They must also be passed according to certain forms, and be promulgated; neither of which is done in the case supposed. They must also apply to the whole community, and not to particular individuals, otherwise they would be a violation of the equality of rights and privi-

leges guarantied by our Constitution to all our citizens. The Legislature is not, then, a branch of the Judiciary, as known to our Constitution, nor is it a Court in the last resort, having the right, in divorce cases, to prescribe and apply to each particular case, such principles as suits its pleasure—acting, in fact, above and beyond all law. There are many other considerations and views connected with this question, which might be suggested and presented; but sufficient has been said, as you committee believe, to establish the position, that the Legislature cannot, in any case, nor under any circumstances, rightfully undertake to dissolve the marriage contract.

Your committee, therefore, submit the following Resolve :

T. BOUTELLE, *Chairman.*

Resolve respecting the dissolution of the marriage contract.

RESOLVED, That to dissolve the marriage contract is the proper exercise of Judicial power, acting according to the known laws of the State ; and that the Legislature cannot rightfully exercise such power—and, therefore, that the petitioners in this case have leave to withdraw.

IN SENATE, March 8, 1838.

This Report was read and accepted and the Resolve passed and

ORDERED, That the Secretary of State be directed to publish the Report and Resolves in the volume of Resolves, and also publish the same in all the papers that publish the laws of the State.

Sent down for concurrence.

N. S. LITTLEFIELD, *President.*

HOUSE OF REPRESENTATIVES. }
March 9, 1838. }

Read and concurred.

E. H. ALLEN, *Speaker.*

STATE OF MAINE.

IN SENATE, January, 29, 1838.

The Joint Select Committee, to which were referred the returns of votes on the Resolve entitled a "Resolve to amend the Constitution relative to Bail," ask leave to

REPORT:

That the whole number of votes returned in the affirmative, is 9,705—in the negative, 8,757—being 948 votes more in the affirmative than in the negative. Of all the lists returned, that of the City of Portland, alone, giving 58 votes in the affirmative and 100 in the negative, appears to be entirely conformable to the Resolve. That from Bangor only varies, however, in giving the votes of "Inhabitants qualified to vote for Governor and other officers, instead of those qualified to vote for State Officers." No other returns were certified to have been sealed up in open town meeting, and but three others stated any qualification of the inhabitants who voted. The blanks furnished, however, included no such qualification, and had no such certificate. Thirteen returns did not state on the inside in what town the votes were cast; but did so state on the outside, and had the name of the town affixed to those of the Select men inside. The votes of Windham and Lisbon, being 169 in the affirmative and 17 in the negative, were received at adjournments of their several meetings, on the week following that of the second Monday of September. No votes were rejected on account of these informalities.

The returns from Kennebunk, Union, Warren, Canaan, Concord, St. Albans, Strong and Edinburg, 183 yeas and 208 nays, had no name of any town inside. Those from Rome and Sumner, 99 affirmative, and 82 negative, were never sealed. Those from Lovell and Stoneham, giving 62 votes, all in the negative, were signed by only one Selectman. The list from Poland, of 10 votes in the negative, was not certified by the Town Clerk, inside or outside. The return from Litchfield, of 89 votes in the affirmative, appears not to have been returned to the Secretary's Office until January 2d. That from Temple, of 4 in the affirmative and 67 in the negative, was handed to the committee, unsealed, January 15th. All these returns, giving 375 votes in the affirmative, and 429 in the negative, were rejected. Two returns were received from towns which gave no votes, and no returns were received from 56 towns and plantations.

The returns thus allowed give 17,658 votes in the whole, of which nine thousand three hundred and thirty were in the affirmative, expressed by the word "Yes," and eight thousand three hundred and twenty-eight votes in the negative, expressed by the word "No"—one thousand and two more votes being in the affirmative than in the negative.

Your Committee therefore recommend the passage of the following Resolve. All which is respectfully submitted.

B. RANDALL, *Chairman*.

RESOLVED, The Senate and House of Representatives concurring, that, whereas it appears, upon an examination of the lists of votes laid before the Legislature in pursuance of a Resolve passed March thirtieth, A. D. 1837, entitled a "Resolve to amend the Constitution relative to bail," that a majority of the inhabitants voting on the question is in favor of said amendment: It is therefore declared "that the tenth section of the first Article of the Constitution is so far altered or amended as to read, that "No person before conviction shall be bailable for any of the crimes which now are or have been denominated capital offences since the adoption of the Constitution, where the proof is evident or the presumption great, whatever the punishment of the crimes may be": and that said amendment has become a part of the Constitution.

IN SENATE, March 20, 1838.

This Resolve having been read was passed and sent down for concurrence.

N. S. LITTLEFIELD, *President*.

HOUSE OF REPRESENTATIVES, March 21, 1838.

Read and passed in concurrence.

E. H. ALLEN, *Speaker*.

STATE OF MAINE.

IN SENATE, March, 1838.

The Joint Standing Committee on State Prison, to which was referred the communication from the Governor, transmitting the Report of the Warden and Inspectors of the State Prison, have had the same under consideration, and ask leave to submit the following

R E P O R T :

That it appears by the Report of the Inspectors, that the account of the Prison with the State for the transactions of the past fourteen months, ending 31st December, 1837, is as follows:—

The State is debited with the amount of articles purchased for the various departments of labor, and expenditure in and about the Prison, includ-

ing payments of officers' salaries, balances of old accounts due from the Prison, and all disbursements, except the Warden's salary	\$36,389 90
The balance against the State at the last annual examination as per Report	\$3,455 93
Stock on hand November 1st, 1836,	\$6,926 61

Amounting in all to	\$46,772 44
The State is credited with the amount received from State's Treasury	\$11,152 84
Also for amount received from the sales of manufactures, and production, and from old accounts due the Prison	\$22,776 80
Stock, tools, manufactures, &c. on hand December 31st, 1837,	\$11,063 51
	<u>\$44,993 15</u>

Balance of Prison account against the State is,	<u>\$1,779 29</u>
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The expenditures of the Prison, including the balance reported against the State last year, amount to	\$39,845 83
And all the receipts for manufactures and productions sold, together with amounts received from the State's Treasurer, and old accounts, amount to	\$33,929 64

Balance due from the State to the Warden,	<u>\$5,916 19</u>
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The Committee having examined the accounts of the Warden and compared them with the Report of the Inspectors, find them correct, and also that he has produced satisfactory vouchers to substantiate all his charges. After deducting the amount of receipts from the amount of expenditure, they find the balance as above stated.

By the Report of the Inspectors, the expenditures of the Prison over its natural receipts for the last fourteen months were	\$13,613 10
The amount expended on buildings and repairs during that time, was	\$6,087 12
The value of the present stock over that of last year, is	\$4,136 90
And there was a loss by fire in stock and manufactures	\$2,500 00
	<u>\$12,724 00</u>

Balance over expenditure for buildings, repairs and loss by fire	\$889 08
Add to that sum the amount received on old accounts more than was paid out	\$660 14

Amount expended for the support of the prisoners over the receipts for their labor including all the officers' salaries except that of the Warden \$1,549 22

There has been erected, the last season, a large stone building within the yard of the Prison, 100 feet long by 34 feet wide and two stories high, which contains a cooper's shop and lumber room in the basement, wheelwright's and painter's shops on the second floor, and a spacious room in the attic for a chapel, &c. There has also been sunk in the yard, three large cisterns made with hydraulic cement, with capacity to hold one hundred hogsheads of water, besides many other improvements, adding much to the value and appearance of the premises.

There has also been constructed a perpetual lime-kiln, for burning lime with hard coal. It was kept in operation about four months in the latter part of last season, and the result has given encouragement that it will become a considerable source of income to the Prison.

The number of prisoners during the past year has averaged about 77, and they have been mostly employed in quarrying lime rock, at shoe-making, the wheelwrights', blacksmiths' and coopering business, and the manufacturing of lime.

From all the evidence presented to the Committee, they are constrained to believe that the several departments, for the employment of the prisoners, have been well arranged and promise hereafter a productive income. And they have good reason to hope that, under the supervision of the present efficient Warden, the prisoners will not much longer be an expense to the State.

The Inspectors say in their Report, that the old accounts due the Prison, which had accumulated under the former Wardens, as they were turned over to the present Warden, on the 5th of August, 1836, amounted to \$12,239 07. Of this amount, \$3,477 is due from Ira Norris, and \$3,399 from Foster Bryant, making the total amount due from these two persons \$6,876.

These claims have been in suit for some four or five years in the Courts of New York, and the latter is still pending, with all the uncertainty of a contested claim hanging over it, in her

Courts of Chancery. The expenses which have been paid already by the present Warden amount to \$54, and bid fair to be much increased.

Of the above amount of old accounts due the Prison, there has been received \$1,098. The amount paid out for old balances due from the Prison, is \$437 86.

Ira Norris was the first agent employed in the city of New York, by the Warden, to sell cut granite for the Prison. He was considered at that time perfectly good, but about the year 1831, he suddenly sold out his property and absconded, with, as was supposed, from eight to ten thousand dollars, and has not since been heard of, consequently there is no prospect of ever recovering any thing from him.

Foster Bryant was the next agent appointed to sell granite in the city of New York. A contract was entered into between him and the Warden, that he should have all the cut granite at a fixed price, and that the contract should continue until the Inspectors of the Prison decided that it should be relinquished.

This contract continued nearly two years. Bryant received all the stone which was cut, and paid for it from time to time.

He then formed a project of superseding Maine granite, by introducing Petapscog granite from Maryland, and removed to Baltimore for that purpose. The Inspectors then directed the Warden to dispossess Bryant of his agency as soon as possible. The Warden went to Baltimore, settled with Bryant, took two notes for the amount due, and then notified him that the Inspectors had put an end to the contract. Bryant complained that he ought to have it continued, or to have known it before he settled. The notes were negotiated by the Warden, one with the Central Bank at Hallowell, the other with the Thomaston Bank. They were sued in Philadelphia, and Bryant stood trial, but as he made out no defence, judgment was obtained against him. The present Warden sued those judgments in New York, and he held Bryant to bail. Bryant, to obtain delay, filed a bill in Chancery to stop the proceedings; to this bill it was necessary to reply, and, as many parties were included in the bill, it has occasioned much delay and expense, the amount of which is unknown to the Committee.

Bryant is supposed to be a man of property, and in addition to that, the State holds a bond to make good what he does not pay. This case is now in charge of a skillful Attorney in the city of New York, but as it is uncertain when it will be brought to a close, the probability is that the expense will swallow up a large proportion of the debt.

The Inspectors notice in their Report, that selling or retailing out, from the articles purchased solely for the use of the Prison, for the accommodation of officers and others living in the vicinity, has always been practiced, and that they object to it on account of its encumbering the books with needless items and tending to confuse the accounts. The Committee believe that the practice of retailing from the stores of the Prison is bad, not only as having a tendency to confuse the accounts, but being to some extent injurious to the interests, discipline, and good order of the institution, as it must inflict upon the officers a useless labor, foreign from the duties assigned them in their several departments, and they know no good reason why the practice should be indulged. The Committee, therefore, recommend that the practice be discontinued.

Among the subjects recommended by the Inspectors as claiming the attention of the Legislature, is that of striving to promote a moral and religious feeling among the convicts. The object of Prison discipline is, or ought to be, designed to improve the moral condition of those unfortunate men, who, in most cases, have been deprived of their liberty in consequence of neglect of moral and mental cultivation; and however degraded their present condition, they are still our fellow creatures, and entitled to our sympathy and care.

The Committee are impressed with the belief, that attention to this subject is necessary, not only to make them more orderly and useful while in the Prison, but that when their time expires, they may go out better men; feeling a consciousness that their confinement, privations and suffering have not been without their reward.

The Inspectors recommend such an increase to the compensation of the Chaplain as will command his services constantly at the Prison, that the benefit of his labors may be had in morning and evening prayers, and in imparting more full and systematic instruction to the prisoners on the Sabbath by his advice and influence among the convicts, and by instructing those who are unable to read, but are willing to learn.

There is now allowed by law for Chaplain \$100, and for support of the Sabbath school in the Prison \$50. From the best evidence the Committee have been able to obtain, it would require from \$400 to \$450 in addition to the sum now allowed for Chaplain and Sunday school. The Committee have considered, that as it is contemplated to remodel the Prison, which when done, may suggest some change and improvement in its discipline, which might interfere with any arrangement made

at this time, have therefore come to the conclusion, that it is important to keep the subject in view, to be acted upon in future, although they do not deem it expedient to recommend any action at present.

The next important subject presented for the consideration of the Committee, is that of remodeling the Prison building. The Inspectors say in their Report, "that the mere appearance of those stone jugs, into and from which the prisoners must descend and ascend, by the help of a ladder, is a sufficient objection to them. But it is not the appearance of these cells, or the inconveniences attending their peculiar construction which we would urge as the principal reason for abandoning them, or remodeling the Prison.

"There are real and unavoidable ills imposed upon the convicts, by their confinement in their cells, which claim consideration as violations of the common duties of humanity."

The Commissioners appointed in 1836, to investigate this subject, in their Report recommend remodeling this Prison on the Auburn plan, and also removing it to Hallowell. In support of which they offer two prominent reasons; first, that, among the employments most suitable for convicts, that of stone hammering is one, and that Hallowell is a convenient location for that business; secondly, that it is near the State House, and would be convenient for the inspection of the Legislature.

Whatever weight ought to be given to these arguments in determining this question, it is overbalanced if economy is to be consulted.

When we consider the large amount of money that has been expended by the State in land, and in erecting buildings for the Warden, and the extensive workshops, yards, lime kilns, and other arrangements for the employment of the prisoners, all of which are good and well adapted to the Auburn plan; and that the materials of the old cells are nearly sufficient, with some slight alterations, to rebuild them upon the plan proposed, all of which must be sacrificed if the Prison is removed; and that the location is such that the prisoners can be employed as profitably where they now are, as in any other place, the Committee do not entertain a doubt that it is most for the interests of the State to remodel the Prison where it now is.

After a full investigation of this subject and all the circumstances connected with it, the Committee have, unanimously, come to the conclusion, that the Prison should be remodeled as soon as practicable. But in undertaking a work of such magnitude as this, it is necessary that plans should be matured

and estimates accurately made from a survey of the premises.

There is not time to accomplish this in a manner appropriate to its importance, in season for the action of this Legislature.

The Committee, therefore, in order that the subject may be matured, ask leave to report a Resolve, which is herewith submitted.

EDWARD ROBINSON, *Chairman.*

[See Chapter 47 for Resolve.]

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 15, 1838.

The Joint Select Committee, to whom was referred an Order "to inquire into the expediency of requesting our Senators and Representatives in Congress to use their exertions, that further negotiations be made with her Britannic Majesty, that all the Ports in the Provinces of Nova Scotia and New Brunswick, be made ports of entry and discharge for all vessels belonging within the jurisdiction of the U. States, and report by Bill or otherwise," have had the same under consideration, and ask leave to

R E P O R T :

That by an Act of Congress, passed May 29, 1830, "regulating the commercial intercourse between the United States and certain Colonies of Great Britain," and by the Proclamation of the President, dated the 5th of October, 1830, made in pursuance of the considerations named in said Acts, *all* the ports of the United States were opened to the admission of British vessels and their cargoes coming from the British Colonial possessions in the West Indies, on the Continent of S. America, the Bahama Islands, the Caicos, the Bermuda Islands, and also to British vessels and their cargoes coming from the British Colonies north and east of the United States: That the principal articles of export from said Colonies north and east of the U. States, more particularly from the Provinces of Nova Scotia and New Brunswick, are free-stone for building, or manufactured into grindstones, and gypsum, or plaster of Paris: That the Atlantic States receive their whole supply of these articles from said Provinces last named, and that the amount thus consumed by them, your Committee believe to be nearly two hundred thousand tons of gypsum, and eighty thou-

sand grindstones, annually, besides large quantities of free-stone for building.

Your Committee would further state, that British vessels now take cargoes directly at the quarries and landings where gypsum and free-stone are quarried, in said Provinces of Nova Scotia and New Brunswick, and are allowed by the law of the United States, before referred to, to enter and discharge their cargoes, so taken, at any and every port in the United States, where our vessels are allowed to enter and discharge; but that there is no port in either of the Provinces of Nova Scotia or New Brunswick, at which an American vessel can obtain a cargo of gypsum or grindstones, unless it has been first transported in an English vessel, a distance of nearly two hundred miles, to some one of the ports in said Provinces now open. These ports,—namely, Halifax, Yarmouth and Pictou, in Nova Scotia, and St. John and St. Andrews in New Brunswick, may, at any moment, however, be closed against all American vessels, without conflicting, in the remotest degree, with any existing treaty, or stipulation, between our government and Great Britain.

Your Committee add, that the necessary consequence of the present arrangement is such, that the freighting of the articles they have enumerated—plaster and grindstones—which, under a former arrangement, was more equally divided between American and English vessels, is now almost exclusively confined to those of New Brunswick and Nova Scotia, and, in a year or two, must become entirely so, under the powerful impulse which has been given to the ship building interest in those Provinces, by the present monopolizing and anti-reciprocal regulation of the commercial intercourse between the United States and the Colonial possessions of Great Britain.

With these facts before them, and with the additional considerations, that the greatest portion of the productions of New Brunswick and Nova Scotia, most valuable for exportation, are plaster and grindstones; that the ports at which these articles can be obtained are closed to American vessels; that the State of Maine, depending largely on navigation for the employment of its citizens and capital, is, by the present arrangement, in common with other States, cut off from all participation in this trade, your Committee feel themselves justified in expressing a hope, that the Government of the United States will readily perceive the unequal and unjust operation of existing regulations, and take prompt measures to obtain the opening of all the ports in the British North American Colonies, or, if this result

cannot be obtained, to cause our ports to be closed against British vessels coming from said Colonies.

Your Committee, therefore, ask leave to submit the following Preamble and Resolutions.

EBENEZER OTIS, Per Order.

[See Chapter 64 for Resolves.]

MESSAGES OF THE GOVERNOR.

To the Senate and House of Representatives:

I herewith lay before you the Report of the Inspectors of the State Prison at Thomaston.

EDWARD KENT.

COUNCIL CHAMBER, }
January 27, 1838. }

To the Senate and House of Representatives:

I herewith lay before you the Report and Account of the Agent, appointed to superintend and manage the sale and settlement of the Public Lands.

EDWARD KENT.

COUNCIL CHAMBER, }
January 30, 1838. }

To the Senate and House of Representatives:

I herewith lay before you for your consideration a copy of a Resolve of the Legislature of the Commonwealth of Massachusetts, respecting the franking privilege; also a Resolve on the same subject passed by the Legislature of the State of Vermont.

EDWARD KENT.

COUNCIL CHAMBER, }
January 31, 1838. }

To the Senate and House of Representatives:

I herewith transmit to you the Report of the Commissioners "appointed to enquire into and examine the doings and transactions of the several incorporated Banks in this State, and generally to ascertain the state and condition of the same.

EDWARD KENT.

COUNCIL CHAMBER, }
February 5, 1838. }

To the House of Representatives:

In compliance with an order of the House of Representatives of the 6th inst., I herewith transmit to you "the return by the Surveyor General of the survey of the road, made during the last season, from the termination of the Aroostook road to the Madawaska settlement, with the field notes and plan of the same."

EDWARD KENT.

COUNCIL CHAMBER, }
February 7, 1838. }

To the Senate and House of Representatives:

I herewith communicate for your consideration a letter received from Ebenezer S. Greely, and also a copy of the order for his discharge, as certified by him. The language of the Lieutenant Governor in relation to the possession, jurisdiction and government of the disputed territory by New Brunswick is, perhaps, not otherwise important than as additional evidence that absolute and exclusive jurisdiction is claimed and insisted upon. I will only add that no communication from me, nor any action of the Executive Department, authorized the expression

"that the offences for which the said Ebenezer S. Greely was so committed will no longer be persisted in."

EDWARD KENT.

COUNCIL CHAMBER, }
February 15, 1838. }

To the President of the Senate:

In compliance with an order of the Senate of the 15th inst. I herewith communicate a copy of "the Report of the Superintendent of the Insane Hospital," and a copy of the "Report of Council on the Report and Accounts of the Superintendent of the Insane Hospital."

EDWARD KENT.

COUNCIL CHAMBER, }
February 16, 1838. }

To the Senate and House of Representatives:

I herewith lay before you the Second Annual Report on the Geology of the State of Maine, by Charles T. Jackson, M. D., Geological Surveyor of the State, under the Resolve of March 30, 1837.

EDWARD KENT.

COUNCIL CHAMBER, }
February 22, 1838. }

To the Speaker of the House of Representatives:

In compliance with an Order of the House of Representatives, passed the 23d ult., I herewith communicate the "Re-

port of the Commissioners, who were appointed under the Resolve respecting the territory lying North and East of the Rivers St. John and St. Francis, passed March 3d, 1832."

EDWARD KENT.

COUNCIL CHAMBER, }
February 27, 1838. }

REPORT.

PORTLAND, January 14, 1833.

SIR:—We have the honor to enclose copies of four letters bearing date July 4, July 10, July 25 and August 21, 1832, being all the letters relating to our North Eastern Boundary, which have passed between the Secretaries of State, of the Treasury, and of the Navy on the one part, and ourselves on the other, since our return home at the close of June. The mail is also this day charged with a letter addressed to you, bearing even date with the present, and containing the provisional agreement referred to in the letter of July 25th to us, and ours of August 21st in reply. While the time and manner of laying that agreement with the letter, which accompanies and contains it, before the Legislature, rests wholly with yourself, we cannot forbear suggesting the inquiry, whether the adoption of a course, which should render the whole proceeding public, might or might not in the present stage of the negotiation operate injuriously to the interests of the State. Having made the suggestion we respectfully submit the whole matter to the wisdom of the Executive and the Legislature.

It will be perceived on reference to the provisional agreement that we have carefully abstained from entering into any stipulation whatever in regard to the rights or claims of Massachusetts. The reasons for adhering to this course are too obvious to require any allusion to them on our part. The whole territory north and east of the St. John and St. Francis claimed as lying within the true exterior limits of the State of

Maine, contains by calculation made by order of the government according to the best data in its possession, 2,195,360 acres, mountains lakes and rivers included. This fact we have thought it proper to state to you, in order that the Legislature may be the better enabled to form a satisfactory judgment in regard to the extent and value of the claim and jurisdiction proposed to be ceded, on the one part, and to the adequacy in any event of the indemnity, proposed to be pledged, on the other.

We are, Sir, very respectfully,

Your obedient Servants,

WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

His Excellency SAMUEL E. SMITH,

Governor of Maine.

WASHINGTON, July 4, 1832.

To William Pitt Preble, R. Williams and N. Emery, Esqrs.

Gentlemen—The Senate having finally acted upon the message of the President, respecting the North Eastern Boundary, it is desirable to know, and we therefore have the honor to inquire, if the Commissioners on the part of the State of Maine are now prepared to resume the conferences, which were suspended at their instance for that event.

We have the honor to be, Gentlemen,

Your obedient servants,

(Signed)

LOUIS McLANE,
LEVI WOODBURY.

PORTLAND, July 10, 1832.

Gentlemen—We have this day had the honor to receive your note of the 4th inst. In reply we repeat to you that we are ready on our part to execute the project we submitted to your consideration on the 6th ult. We shall also be ready to suggest to you, if wished, our views as to such modifications, &c.

of the line as we think desirable, in case it should be found wholly impracticable to have the true boundary run and marked, as well as to receive and consider any suggestions you may please to make to us on the subject.

We have the honor to be, respectfully,

Gentlemen, your obedient servants,

WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

The Hon. LOUIS McLANE,

Secretary of the Treasury.

LEVI WOODBURY,

Secretary of the Navy.

25th July, 1832.

Gentlemen:—We have the honor to enclose, duly executed by us, a copy of the agreement which you had prepared, making a slight alteration, rendered necessary by the Resolution of the Senate, advising a further negotiation. You will please to send a counterpart executed by you as soon as possible, together with information at what time it will probably be placed under the consideration of your Legislature, whose action on the subject would seem to be required before the matter can be submitted to Congress.

(Signed)

EDWARD LIVINGSTON.
LOUIS McLANE,
LEVI WOODBURY.

WM. P. PREBLE,

REUEL WILLIAMS, and

NICHOLAS EMERY, Esq's, *Commissioners, &c. &c.*

PORTLAND, August 21, 1832.

Gentlemen:—We have had the honor to receive your note of the 25th ult., with the document which it enclosed. Agreeably to your request we now transmit a counterpart executed by us.

The Legislature of Maine will not be in session prior to next January, and the subject cannot well come under their consideration until after the organization of the government shall have

been completed. Should the state of the intended new negotiation in the opinion of the President render a postponement of the communication to our Legislature desirable, we would in that case suspend the communication on your suggestion until the first of February next.

With great respect, we have the honor to be, gentlemen,

Your very obedient servants,

WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

EDW. LIVINGSTON, Esq.,
Secretary of State.

LOUIS McLANE, Esq.,
Secretary of the Treasury.

LEVI WOODBURY, Esq.,
Secretary of the Navy.

PORTLAND, January 14, 1833.

Sir:—We have the honor to transmit to you, to be laid before the Legislature, a provisional agreement relating to our Northeastern Boundary, entered into in August last between the Secretaries of State, of the Treasury and of the Navy, in behalf of the United States on the one part, and ourselves as Commissioners in behalf of the State of Maine on the other.

After the solemn and formal establishment of the monument at the source of the river St. Croix in 1798 by the authority of the United States and Great Britain, nothing seemed to remain, but to survey and mark the line of boundary according to the plain, precise, and explicit language of the treaty of 1783. For at that day it was admitted by the official agent of the British Government, that the line *could* only be, where Maine now contends, and has ever contended, it is. Had the State of Massachusetts therefore been then so disposed, she might without serious obstacle or difficulty have marked out her exterior boundary, and afterwards and until Maine became a separate State, might without giving occasion for the slightest complaint to the adjoining British Colonies have maintained uninterrupted and exclusive jurisdiction over the whole extent of her territory. Such a course would have saved our infant State much trouble and vexation and would seem to have comported

with the usual vigilance and sagacity of the parent Commonwealth.

When however in 1820 Maine became a separate State, she found her boundaries and territory still unsurveyed and unexplored ; while far within her limits had been suffered to spring up, unnoticed by the authorities of the parent State, established and permanent settlements of several hundred souls holding their lands under grants from New Brunswick of nearly thirty years standing and yielding a reluctant, but unresisting obedience to British laws. Maine also found, that under color of those stipulations in the treaty of Ghent, which provide for surveying and marking certain boundaries in conformity to the line of demarkation prescribed by the treaty of 1783, a claim for about eleven million acres of her territory had been set up in behalf of Great Britain, and that this claim, though a gross and palpable fraud upon the stipulations of the treaty of Ghent, and demonstrably in violation of the treaty of independence, had not been promptly, and at once, repelled and rejected by the American Government, but had become a subject of grave and solemn discussion before the Commissioners of the two Governments. Again in 1827 Maine further learned that the United States and Great Britain had by convention agreed to refer to an Arbiter the questions, which had arisen out of the claim, made in behalf of Great Britain, and that the decision of the Arbiter on the questions submitted was to be final between the parties. Under such an arrangement every thing must depend upon the position and character of the person, selected to decide between the parties. If the Arbiter to be selected should think himself at liberty to advert to his own condition, or to be governed in framing a decision by motives of State policy, or by any other considerations than those of the justice of the case and the rights of the parties, it was evident one third of the territory of Maine was placed in imminent jeopardy. But fortunately for the State the Arbiter actually selected, instead of sanctioning to their full extent the pretensions of Great Britain, thought proper to restrain himself to a recommendation, advising the parties to adopt for boundary a line, described by him, leaving beyond the limits of Maine the extreme corner of her territory, containing by calculation about two millions two hundred thousand acres, and assigning to the British Government about one fifth of the territory, to which it had laid claim.

We have adverted in this place to some few of the more prominent facts in the history of our boundary controversy, in

Order that, taken in connection with other facts within the recollection of all, they might enable us to perceive how forbearance has emboldened the spirit of encroachment—how procrastination on our part, instead of contributing to remove the evil, of which we have so much reason to complain, has constantly been the occasion of aggravating it—and how, at every step since taken, the question has become more and more complicated and embarrassed. Meantime new causes of trouble have begun rapidly to develop themselves. There is danger lest our border difficulties assume a serious aspect. Under these circumstances the peace of the United States, the internal tranquility of the State itself—its growing importance, its general and commercial prosperity, would seem imperiously to require, that the subject matter of this protracted and irritating dispute should be amicably arranged without farther delay, if it can be done without too great a sacrifice. In fact so grave and various were the considerations arising out of the actual state of the controversy a year since, that many who stand high in the confidence of the country, were of opinion, that it would be judicious on the part of Maine, as well as of the United States, to acquiesce in the advice of the Arbitrator. Against the acceptance and ratification of the award by the government of the United States the Legislature of Maine on mature consideration of the subject with great unanimity solemnly protested; but, apprehensive lest the award should be ratified notwithstanding such protest, if the State persisted in rejecting all advances, made towards an amicable adjustment, the Legislature in a spirit of conciliation agreed to receive and consider by means of Commissioners, whatever might be proposed on behalf of the United States with a view to bring the controversy to a speedy and final termination; with the express reservation however that the doings of such Commissioners should in no respect be obligatory on the State until ratified and confirmed by the Legislature itself.

The result of the acts of the Legislature and of the doings of the Commissioners, appointed by its authority, is the enclosed provisional agreement already mentioned, and to which we beg leave to refer. It will be perceived by that agreement that the President of the United States proposes to “open new negotiations with Great Britain for the purpose of having the line, designated by the treaty of 1783, run and marked according to that treaty;” and if that should be found impracticable, “for the establishment of such a new boundary between the dominions of the United States and Great Britain as should be

mutually convenient," and also "for making arrangements relative to the navigation of the river St. John and the adjustment of other points, that may be necessary for the convenience of the parties interested;" and, that he deems "a cession from the State of Maine of all her jurisdiction and right of soil over the territory" claimed by her, lying north and east of the rivers St. John and St. Francis "as indispensable to the success of such negotiation." However direct the interest of the State in the question at issue on the one hand, as a foreign government is urging its pretensions on the other, the government of the United States is the only constitutional and competent agent to take charge of the controversy. Still the power of that government over the subject is not unlimited. The State has its constitutional rights which she may invoke and which must be respected. If then in the progress of the contemplated negotiation it should be found, that what is demanded as her right by Maine, is now utterly unattainable, and if the State, insisting upon its extreme right, denies to the United States all power under any circumstances to make even a beneficial compromise; it is well to enquire at this stage of the proceeding, where is the controversy, and the well known state of things, and the onward course of events within the State, to lead us? Hence, in order that the President may be enabled to open such negotiation, unembarrassed by any questions of conflicting power and jurisdiction, and with a reasonable or possible prospect of bringing the controversy to an amicable close, the proposition "That the Legislature of Maine should provisionally surrender to the United States all claim to jurisdiction and right of soil over the territory lying north of the river St. John and east of the river St. Francis as heretofore described:" Maine in such case and in any event to be indemnified for any portion of the territory, thus provisionally surrendered to the United States, if ultimately lost to the State, by adjoining territory to be acquired; and, so far as that should prove inadequate, at the rate of one million of acres of land in Michigan for the claim to and over the whole territory surrendered—said lands, thus to be appropriated, to be sold by the United States at their expense, and the proceeds to be paid without deduction into the Treasury of the State." We deem it proper in connection with this subject to add, that the present minimum price of the public lands of the United States is one dollar twenty-five cents the acre, that those situated in the territory of Michigan are rapidly coming into the market, and that the demand for them, it is understood, is steady and increasing. We also take

the liberty in this place to express the opinion, that should the agreement, we have entered into in behalf of the State, be ratified by the Legislature, and should the proper authorities of the United States avail themselves of its provisions and ratify it on their part, and should the Congress of the United States by any act of legislation diminish the value of the lands, proposed to be appropriated and pledged as an indemnity to the State, the United States would be bound in good faith to further indemnify the State for such diminution in value caused by their own acts. It is with these general views of the subject, and in full and entire confidence in the good faith of the Government of the United States, and in the several branches of its high constituted authorities, that we have been induced after the most mature consideration, we have been able to give to the subject, to accede on our part to the provisional agreement, we now respectfully submit to the wisdom of the Legislature.

With great respect, we have the honor to be, sir,

Your obedient servants,

WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

His Excellency SAMUEL E. SMITH,
Governor of Maine.

The King of the Netherlands mutually selected as Arbiter by the King of the United Kingdom of Great Britain and Ireland, and the President of the United States, and invited to investigate and make a decision upon the points of difference which had arisen under the treaty of Ghent of 1814, in ascertaining that point of the Highlands lying due north from the source of the River St. Croix, designated by the Treaty of Peace of 1783, as the northwest angle of Nova Scotia, and in surveying the boundary line between the dominions of the United States and Great Britain, from the source of the river St. Croix directly north to the above mentioned north-west angle of Nova Scotia, thence along the said Highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river, having officially communicated his opinion that it will be suitable to adopt for boundary between the two States (qu'il conviendra d'adopter pour

limite des Etats) a line drawn due north from the source of the river St. Croix to the point where it intersects the middle of the thalweg of the river St. John, thence the middle of the thalweg of that river ascending to the point where the river St. Francis empties itself into the river St. John, thence the middle of the thalweg of the river St. Francis ascending to the source of its south-westernmost branch designated on map A by the letter X, thence a line drawn due west to the Highlands, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those that fall into the Atlantic ocean to the north-westernmost head of Connecticut river: And the Legislature of the State of Maine having protested and continuing to protest against the adoption by the Government of the United States of the line of boundary thus described by the King of the Netherlands, as a dismemberment of her Territory, and a violation of her constitutional rights: And the President of the United States having appointed the undersigned Secretaries of the Departments of State, of the Treasury, and of the Navy to meet with such persons as might be appointed by the State of Maine for the purpose of entering into a provisional agreement as to the quantity and selection of lands of the United States, which the State of Maine might be willing to take and the President would be willing to recommend to Congress to give for a release on her part of all claim of jurisdiction to and of her interest in the lands lying north and east of the line so designated as a boundary by the King of the Netherlands: And the Governor of Maine, by virtue of the authority vested in him, having appointed the undersigned, William Pitt Preble, Reuel Williams, and Nicholas Emery, Commissioners on the part of said State, to meet and confer with the said Secretaries of State, of the Treasury, and of the Navy thus authorized as aforesaid, with a view to an amicable understanding and satisfactory arrangement and settlement of all disputes which had arisen or might arise in regard to the North Eastern Boundary of said State and of the United States: And several meetings and conferences having been had at Washington between the eighteenth day of May, and the second day of June, 1832, and the said Commissioners, on the part of the State of Maine, having distinctly declared, that said State did not withdraw her protest against the adoption of the line designated as a boundary by the King of the Netherlands, but would continue to protest against the same, and that it was the desire of the Legislature and Government of Maine, that new negotiations should be

opened for the purpose of having the line designated by the Treaty of Peace of 1783, run and marked according to that treaty, and if that should be found impracticable, for the establishment of such a new boundary between the dominions of the United States and Great Britain as should be mutually convenient, Maine in such case to be indemnified, so far as practicable, for jurisdiction and territory lost in consequence of any such new boundary, by jurisdictional and other rights to be acquired by the United States over adjacent territory and transferred to said State. And for these purposes the undersigned Commissioners were ready to enter into a provisional agreement to release to the United States the right and claim of Maine to jurisdiction over the territory lying north and east of the line designated by the Arbiter: And her interest in the same, the said State of Maine, and the State of Massachusetts being owners of the land in equal shares, suggesting at the same time the propriety of suspending the conferences until the Senate of the United States, whose advice it had become the duty of the President to take, and before whom his message for that purpose was then under consideration, should finally act in the matter, in which suggestion the Secretaries of State, of the Treasury, and of the Navy concurred.

And the Senate of the United States did on the twenty-third day of June, 1832, pass a Resolution in the words following:

RESOLVED, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the Boundary between the possessions of the United States and those of Great Britain, on the north-east frontier of the United States, according to the treaty of Peace of 1783.

Whereupon the Secretaries of State, of the Treasury, and of the Navy did renew their communications with the Commissioners on the part of the State of Maine, and state it to be the wish and intention of the President to open a negotiation with the government of Great Britain for the purposes mentioned by the said Commissioners, and also for making arrangements relative to the navigation of the River St. John and the adjustment of other points that may be necessary for the convenience of the parties interested; but deeming a cession from the State of Maine of all her jurisdiction and right of soil over the territory heretofore described, and in the manner heretofore stated as indispensable to the success of such negotiation, the Secretaries of State, of the Treasury, and of the Navy did de-

clare and propose, that in consideration of such cession, the President will, as soon as the state of the negotiation with Great Britain may render it proper to do so, recommend to Congress to grant to the State of Maine an indemnity for the release on her part, of all right and claim to jurisdiction over and her interest in the territory beyond the line so designated by the King of the Netherlands. The said indemnity to consist of one million acres of land to be selected by the State of Maine and located in a square form as near as may be out of the unappropriated lands of the United States within the territory of Michigan—the said lands to be surveyed and sold by the United States at their expense, in the same manner, and under the same regulations which apply to the public lands—and the whole proceeds without deduction to be paid over to the State of Maine as they shall be received. But, if in the result of any negotiation as aforesaid with Great Britain, the State of Maine shall ultimately lose less of the territory claimed by her, north and east of the rivers St. John and St. Francis than she would according to the line designated by the King of the Netherlands, the aforesaid indemnity shall be proportioned to the actual loss; and if any new territory contiguous to the State of Maine, not now within her limits, shall be acquired by such negotiation from Great Britain, the same shall be annexed to and be made a part of said State. And a further proportionate deduction shall be made from the indemnity above mentioned. But, if such attempt on the part of the President to negotiate, should wholly fail, and in that case, and not otherwise, the proper authority of the United States should, on full consideration, determine to acquiesce in the line designated by the King of the Netherlands, and to establish the same as the north east boundary of the United States, the State of Maine shall be entitled to receive the proceeds of the said million of acres, without any abatement or deduction—which offer the undersigned Commissioners provisionally accede to, and on condition of the due performance of all and singular the things which by the declaration of the Secretaries of State, of the Treasury, and of the Navy, and by the proposal aforementioned are to be performed, or intended to be performed, they agree to recommend to the Legislature of the State of Maine to accept said indemnity and to release and assign to the United States all right and claim to jurisdiction, and all her interest in the territory north and east of the line designated by the King of the Netherlands. But it is distinctly understood, that until this agreement shall have been accepted and ratified by the Legis-

lature of Maine, nothing herein shall in any wise be construed, as derogating from the claims and pretensions of the said State to the whole extent of her territory as asserted by her Legislature.

Nor shall any thing herein contained be construed so as to express or imply, on the part of the President, any opinion whatever on the question of the validity of the decision of the King of the Netherlands, or of the obligation or expediency of carrying the same into effect.

EDW. LIVINGSTON,
LOUIS McLANE,
LEVI WOODBURY,
WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

To the Speaker of the House of Representatives:

In compliance with an Order of the House of Representatives, passed March 1, 1838, I herewith lay before you a "copy of the agreement between the Penobscot Indians and the Commissioners appointed to purchase the four Indian Townships, returned to the Governor and Council in the year 1834; also a copy of the Deed of the said four Townships, from the said Indians to the State."

EDWARD KENT.

COUNCIL CHAMBER, }
March 2, 1838. }

To the President of the Senate:

I herewith return to the Senate, in which it originated, a "Resolve in favor of the Penobscot Tribe of Indians," with the following objections thereto.

The Resolve directs that certain sums shall be paid out of the Indian fund, for a certain specified purpose, viz: to defray the expenses of Indians attending at Augusta as agents for the tribe. I do not object to the appropriation of the money for the purpose named, or the payment of a reasonable sum yearly to defray the expenses of such agents. But my objections rest upon the position, that by the Resolves of the State, and the treaties and contracts with the Indians, the appropriation of the Indian fund referred to is exclusively within the discre-

tion and authority of the Governor and Council. As the object contemplated in this Resolve will doubtless be effected by the action of the Executive Department, and no delay or injustice be occasioned in this instance, I have deemed it my duty to decline signing the Resolve, and thus bring before the Legislature the whole subject of the Indian funds, and the respective rights and duties of the Indians, of the Executive, and the Legislature, in respect to them, with the hope and expectation that a more perfect understanding and uniformity in practice may be introduced, and a satisfactory arrangement be adopted in reference to this subject. It is certainly from no desire to assume power or responsibility that I interpose my objections, but simply that the subject may be reconsidered, and that the duties of the different departments be kept separate and distinct.

The original treaty with the Indians, made by Massachusetts in 1818, and afterwards by Maine in 1820, by the terms of which, certain specified articles of provision, clothing, &c., are to be annually delivered to the Indians, is still in force. But the obligations thereby assumed by the State, and the annuity thereby created, make no part of the Indian fund referred to. That fund was created from two sources. By a Resolve of March 5, 1830, the tribe was authorized to sell all their pine timber, and the monies received for the sales to be vested in some fund or stock, and the income thereof to be secured and appropriated for the benefit of the Indians, *in such manner and for such purposes as the Governor and Council shall direct.*

In pursuance of this Resolve a sale of timber was made, and security taken, in the sum of ten thousand dollars, in 1831, payable in five annual instalments.

The other purchase was made by agents appointed by the State, in 1833, and the State received a deed of four townships of land from the Indians, and gave to the Indians a bond of even date, conditioned to pay the said Indians fifty thousand dollars in manner following, viz: The said sum to be deposited in the State Treasury, and the interest shall annually be paid *under the direction of the Governor and Council of the State*, through the Indian agent, for the benefit of said tribe, provided it should, in *their* opinion, be required for the comfortable support of said tribe.

The only bargain to which the Indians have assented, therefore, places the specific appropriation of the fund under the sole direction of the Governor and Council, who are constituted sole trustees. If the Legislature should assume the right to

direct or control in the matter, and a part of the tribe should be dissatisfied with any appropriation, they might justly complain that the terms of the compact were not regarded, and jealousy and distrust take the place of confidence and good feeling. It is all important in dealing with these unfortunate, but peaceful subjects of our guardianship, that every bargain and understanding with them should be scrupulously and exactly observed, and that all causes of complaint should be avoided.

Regarding the subject matter of this Resolve as not within the duties or powers of the Legislative Department of Government, I feel constrained to withhold my assent and signature thereto.

EDWARD KENT.

COUNCIL CHAMBER, }
March 12, 1838.

To the Senate and House of Representatives:

I herewith communicate for your consideration a communication addressed to me by the Secretary of State of the United States, with the correspondence therein referred to, in reference to the North Eastern Boundary. This communication is made by request of the President of the United States, and in compliance with his suggestion I ask your careful and deliberate attention to the facts and propositions therein contained. The duty devolving upon me would perhaps be performed by the simple communication of these documents, without any remarks or comments of my own. But this subject, always interesting to Maine, has become more so by this direct application on the part of the President of the United States for the expression of the wishes and the will of this State in reference to the adjustment of this long pending question, and feeling a deep interest, personally and officially, in every thing that relates to it, and anxious, mainly, that the rights and honor of Maine should not be jeopardized or impaired, I feel it to be a duty which I owe to the people, who have assigned me my part of responsibility, to speak my honest opinions and views, plainly and unreservedly, upon the grave matters now submitted to you. I ask for my views no other weight or influence than such as their intrinsic value may entitle them to; and I desire only to be regarded as connected with you, in guarding with watchful care the great interests entrusted to us, and doing my duty in this important crisis according to

my best judgment. If my views are erroneous, or if I am, in your opinion, unnecessarily strict or severe in my judgment of intentions, or too limited in my suggestions of policy, I trust to you to correct or to overrule me. I assume no right to dictate or control your action.

In the communication from Mr. Forsyth, in connection with a very lucid and interesting history, of the negotiations between the two governments, we are informed that the discussions between the Federal Government and that of Great Britain have arrived at a stage, in which the President thinks it due to the State of Maine, and necessary to the intelligent action of the General Government, to take the sense of this State in regard to the expediency of opening a direct negotiation for the establishment of a *conventional line*; and if Maine should deem an attempt to adjust the matter in controversy in that form advisable, then to ask the assent of Maine to the same.

The grave and important question, therefore, presented for your consideration, as you will more fully perceive by the documents referred to, is whether you will clothe the Executive of the United States with the unlimited power of fixing a new and conventional line, in lieu of the treaty boundary.

It is certainly gratifying to perceive that the right of Maine to be heard and consulted before the treaty line is abandoned, is fully recognized by the General Government, and I have no doubt the Legislature of Maine will approach the consideration of the proposition in the same spirit it is offered, and with an anxious desire to terminate this long pending and embarrassing question, if it can be done without too great a sacrifice of honor and right. Although the documents are somewhat voluminous, the proposition is single and simple in its character, and easily understood.

I have given to the subject all the reflection and examination I have been able to bestow, since the reception of the documents, and with a most anxious desire to acquiesce in any feasible scheme of adjustment, or any reasonable proposition for a settlement, I feel constrained to say that I can see little to hope and much to fear from the proposed departure from the treaty line.

I think that the most cursory examination of the correspondence and movements on the part of Great Britain, must satisfy any one that the leading object which her diplomatists have had in view since the result of the arbitration, has been to destroy or lay aside the treaty line—to lead us away from the clear, unambiguous, definite terms of that treaty, and involve

us in interminable discussions, propositions and replies in relation to conventional lines, no one of which would be accepted unless it gave to them a large part of our territory. We find that in May, 1833, very soon after the President, in pursuance of the advice of the Senate, had opened a new negotiation to ascertain the line *according to the treaty of 1783*, to which treaty line the negotiation of course was confined, the British minister suggested, "That this perplexed and hitherto interminable question, could only be set at rest by an abandonment of the *defective* description of boundary contained in the treaty, and by the two governments mutually agreeing upon a *conventional* line more convenient to both parties." The same intention is apparent in the refusal to acquiesce in the proposition to refer the settlement of the treaty line to a commission, to be constituted of an equal number chosen by each party, with an Umpire to be designated by a friendly power from the most skillful men in Europe; or secondly, that the commission should be entirely composed of such scientific men of Europe, to be selected by some friendly power, to be attended in the survey and view of the country by agents appointed by the parties. It was in answer to this proposition that the suggestion of the impracticability of the treaty line was made, and the intention became apparent to lead us away from that inconvenient obstacle to their wishes and plans—the treaty language. The proposition was so equitable and fair, so just to all parties and so full of promise of adjustment, upon proceedings satisfactory to us, that it could not be peremptorily rejected. But although it was entertained, the answer to it clogged the proposition with so many conditions, and so limited the powers of the commissioners, and required the concession on our part of the all important fact that the St. Johns and Restigouche are not Atlantic rivers—that the original plan was at once deprived of all vitality or power or use, and in fact the reference would have been merely an agreement to abide by the decision, provided both parties should be satisfied and assent to it.

It is certainly somewhat remarkable that if the assumed fact is true, viz: that the treaty line cannot be laid down or fixed according to the treaty, that so much unwillingness should be exhibited to have an attempt made to ascertain it—or if Great Britain is so strongly convinced of the justice and strength of her argument and claim, that she should be so reluctant to refer the whole question to disinterested and scientific Europeans.—There is an apparent, and I doubt not a real anxiety to avoid discussion or examination *based upon the treaty*, and I fear if

we once abandon that line in search of a conventional one, we shall never be able to bring them back again to consider the present line, or to recognize the treaty as of any binding efficacy. I fear, too, that the only question in negotiation for a conventional line, will be how large a portion of our territory we must yield up. The suggestion made by our Government to take the River St. Johns, from its mouth to its source, as the boundary, was rejected, with a simple expression of wonder that it should have been made—and our Government is told explicitly that “His Majesty’s Government cannot consent to embarrass the negotiation respecting the boundary, by mixing up with it a discussion regarding the *navigation* of the St. John, as an integral part of the question.” The intimation seems plain, that no negotiation for an exchange of territory or privileges will be entered into, but the single point will be, how shall the disputed territory be divided between the parties? I fear that if we abandon the treaty language, so clear and so decided in our favor, and so much at variance with their claim, we shall leave a certainty for an uncertainty, and throw doubt, confusion and embarrassment over our claim and our course of action, and yield to Great Britain the great obstacle we now present to her grasping spirit—the solemn treaty of 1783.

And what security have we that any line can be fixed upon which shall be permanent, or what certainty is there that the new line may not be declared to be “impracticable,” whenever it may come in contact with any of the plans or wishes of Great Britain? It would certainly be difficult to present a stronger and clearer case than we now do; and if diplomacy and skill can manufacture doubts and embarrassments in the discussion of the question as now presented, we may well despair of ever fixing a certain and unalterable line of boundary. If I am accused of injustice or severity in these remarks, I would point, in justification, to the remarkable progress of the doubts and assertions in relation to the treaty line of boundary. When the question as to which river was the true St. Croix of the treaty (which was the only question *then* in dispute) was before the Commissioners under the treaty of 1794, the British agent founded his principal argument for the westernmost river, upon the ground that a line due north from the source of that river would only include a part of one of the rivers (the St. Johns) which have their mouth within New Brunswick. He says, “The most accustomed and convenient rule in cases of this kind, is to leave to each power respectively the sources of those rivers that empty themselves, or whose mouths are within its

territory upon the sea coast, if it can be done consistently with, or in conformity with the intent of the treaty. * * * "A line due north from the source of the western or main branch of the Schoodiac or St. Croix, will fully secure this effect to the United States in every instance, and also to Great Britain in all instances except in that of the river St. John, wherein it becomes *impossible*, by reason that the sources of this river are to the westward, not only of the western boundary line of Nova Scotia, but of the sources of the Penobscot, and even of the Kennebec, so that this north line *must of necessity cross the St. John*, but it will cross it in a part of it almost at the foot of the highlands, and where it ceases to be navigable. But if a north line is traced from the source of the Cheputnatecook, it will not only cross the river St. John, within about fifty miles from Fredericton, the metropolis of New Brunswick, but will cut off the sources of the rivers which fall into the Bay of Chaleurs, if not of many others, probably of the Meramichi, among them which fall into the Gulf of St. Lawrence, and thereby be productive of inconvenient consequences to the two powers, if not of contention between them, instead of terminating their differences in such a manner, as may be best calculated to produce mutual satisfaction and good understanding, which is one of the principal and avowed objects of the treaty." At this time, then, there was no doubt that the line running due north to the highlands of the treaty must cross the St. Johns river; and if the starting point was carried east, it is admitted that such line would cut off the Restigouche, which is nearly as far north as our claim. And certainly the line was to run equally far north, whether the starting point was east or west, unless the highlands inclined to the south. And yet we are now required, as a preliminary, to admit that the St. John and Restigouche are not Atlantic rivers, within the meaning of the treaty. In 1814, when the negotiations which resulted in the Treaty of Ghent were in progress, no pretence was made that our line did not extend beyond the St. Johns, and according to our present views.

Great Britain, then, by her negotiators, expressly stated, that she "desires the *revision* of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory, as such, but for the purpose of securing her possessions, and preventing in future disputes, and such a *VARIATION* of the line of frontier as may secure a direct communication between Quebec and Halifax."—And when our negotiators peremptorily refused to agree to any *cession* of territory, the answer was, that they "were not pre-

pared to anticipate the objections contained in the note of the American Plenipotentiaries, that they were instructed to treat for a revision of their boundary lines, with the statement which they have subsequently made, that they had no authority to *cede* any part, however insignificant, of the territories of the United States, although the proposals left it open for them to demand an *equivalent* for such cession, in territory or otherwise." And yet, now that territory, which they then offered to pay us for, is claimed as clearly their own; and that line which then was admitted and recognized as including the territory as claimed by us, is now declared to be impracticable, and must be abandoned, and a more convenient one sought for and established.

I feel most sensibly, that the question now presented is one of very grave importance, and that the action now to be had by the Legislature of Maine, may, and probably will, have a very material influence upon the relations between this Government and Great Britain.

The painful conviction is forced upon me, that Great Britain is determined to hold this territory, that she now claims, deeming it highly important as securing a connection between her provinces in time of war and peace, and I reiterate the assertion heretofore made, that "we have little to hope from the forbearance or action of the British Government. Their aim is apparent to expunge the treaty provision, and to hold on with an unyielding grasp, to their modern claim, and reject all propositions having the treaty line for their basis." I cannot but regard it as unfortunate, that our General Government, although it has recognized our right to be consulted before any conventional line should be adopted, has, in a degree at least, given countenance to the propriety and expediency of departing from the treaty line. In a note from the Department of State, dated 28th April, 1835, Sir Charles R. Vaughan was assured "that his prompt suggestion, as His Britannic Majesty's Minister, that a negotiation should be opened for the establishment of a conventional boundary, between the two countries, was duly appreciated by the President, who, had he possessed like powers with his Majesty's Government over the subject, would have met the suggestion in a favorable spirit." Such a suggestion, it seems to me, although dictated, doubtless, by a sincere desire to end the controversy, was well calculated to lead our opponents, as a matter of policy on their part, to clog the previous proposition with insuperable difficulties, and to encourage them to persevere in their attempt to obliterate the treaty language. I think the same effect must have resulted from the

singular annunciation to the British Government, by the late President of the United States, in 1832, in opening the negotiation under the vote of the Senate, for a settlement of the TREATY line, "that if the Plenipotentiaries should fail in a new attempt to agree upon the line intended by the treaty of 1783, there would probably be less difficulty than before, in fixing a convenient boundary, as measures were in progress to obtain from the State of Maine more extensive powers than were before possessed, with a view of overcoming the constitutional obstacles which had opposed themselves to such an arrangement."

If a direct proposition had come to us, through the General Government, for a specific line of boundary, yielding to us territory, or privileges of navigation equivalent to the unsettled territory which we might cede to them, it would certainly have presented the question in a different aspect. But the question *now* is, as I understand it, whether we shall take the lead in abandoning the treaty, and volunteer propositions for a conventional line.

In respect to the proposition for additional surveys, it seems to me inexpedient, for this State to acquiesce in the proposed negotiation for a conventional line, until it is *demonstrated* that the treaty line is utterly impracticable and void for uncertainty. I can have no doubt that the line ought to be run, either by a joint commission of exploration and survey, or independently by our General Government by its own surveyors. It is evident to me that Great Britain is determined to avoid, if possible, such an examination and exploration and establishment of the line, and such proof of the real facts of the case.

It will be perceived that the President intimates that if the consent of Maine is not obtained, for entering into direct negotiations for a conventional line, and all other measures failing, "he will feel it to be his duty to submit another proposition to the Government of Great Britain, to refer the decision of the question to a third party."

As this right is claimed on the part of the President as within his constitutional powers, without the consent of Maine, and as no action on the part of Maine, in reference to this mode of adjustment, is asked by the President, I forbear to comment upon it, but refer it to your consideration.

Our situation, in relation to this interesting question at this moment, demands the exercise of cool and dispassionate judgment, and careful, cautious, but firm action. We owe it to the General Government and our sister States, to do nothing rash-

ly or hastily—to bear and forbear for the sake of the peace of the nation and the quiet of our borders. But we have a duty to perform to ourselves and our constituents, who have entrusted the rights and honor of Maine to our keeping. Relying upon your patriotism, and intelligence, and caution, I place these documents before you, and ask your action upon them, in the confident hope, that the rights and the territory secured to us by our fathers, in the field and the cabinet, will not be impaired or surrendered.

EDWARD KENT.

COUNCIL CHAMBER, }
March 14th, 1838. }

Mr. Fox to Mr. Forsyth.

WASHINGTON, January 10, 1838.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, is directed by his Government to make the following observations to Mr. Forsyth, Secretary of State of the United States, with reference to certain points connected with the question of the Northeastern Boundary, which question forms the subject of the accompanying note which the undersigned has the honor, this day, to address to Mr. Forsyth.

The British Government, with a view to prevail upon that of the United States to come to an understanding with Great Britain upon the river question, had stated, that the King of the Netherlands, in his award, had decided that question according to the British interpretation of it, and had expressed his opinion that the rivers which fall into the Bay of Fundy are not to be considered as Atlantic rivers, for the purposes of the treaty.

Mr. Forsyth, however, in his note to Sir Charles R. Vaughan, of the 28th of April, 1835, controverts this assertion, and maintains that the King of the Netherlands did not, in his award, express such an opinion, and Mr. Forsyth quotes a passage from the award, in support of this proposition.

But it appears to her Majesty's Government that Mr. Forsyth has not correctly perceived the meaning of the passage which he quotes. For, in the passage in question, Mr Forsyth apprehends that the word "*alone*" is governed by the verb "*include*," whereas an attentive examination of the context will

show that the word "*alone*" is governed by the verb "*divide*," and that the real meaning of the passage is this: that the rivers flowing north and south from the highlands claimed by the United States, may be arranged in two genera; the first genus comprehending the rivers which fall into the St. Lawrence; the second genus comprehending those whose waters, in some manner or other, find their way into the Atlantic; but that even if, according to this general classification, and in contradistinction from rivers flowing into the St. Lawrence, the rivers which fall into the bays of Chaleur and Fundy, might be comprised in the same genus with the rivers which fall directly into the Atlantic, still the St. John and the Restigouchi form a distinct species by themselves, and do not belong to the species of rivers which fall *directly* into the Atlantic, for the St. John and Restigouchi are not divided in company with any such last mentioned rivers, and the award goes on to say, that, moreover, if this distinction between the two species were confounded, an erroneous interpretation would be applied to a treaty in which every separate word must be supposed to have a meaning, and a generic distinction would be given to cases which are purely specific.

The above appears to be the true meaning of the passage quoted by Mr. Forsyth; but if that passage had not been in itself sufficiently explicit, which her Majesty's Government think it is, the passage which immediately follows it would remove all doubt, as to what the opinion of the King of the Netherlands was upon the river question; for, that passage setting forth reasons against the line of boundary claimed by the United States, goes on to say that such line would not even separate the St. Lawrence rivers immediately from the St. John and Restigouchi, and that thus the rivers, which this line would separate from the St. Lawrence rivers, would need, *in order to reach the Atlantic*, the aid of two *intermediaries*; First, the rivers St. John and Restigouchi, and, *secondly, the bays of Chaleur and Fundy*.

Now, it is evident from this passage, that the King of the Netherlands deemed the bays of Fundy and Chaleur, to be, for the purposes of the treaty, as distinct and separate from the Atlantic ocean as are the rivers St. John and Restigouchi; for he specifically mentions those rivers and those bays as the channels through which certain rivers would have to pass in their way from the northern range of dividing highlands down to the Atlantic ocean; and it is clear that he considers that the waters of those highland rivers would not reach the Atlantic ocean un-

til after they had travelled through the whole extent, either of the Restigouchi and the Bay of Chaleur, or of the St. John and the Bay of Fundy, as the case might be; and for this reason, among others, the King of the Netherlands declared it to be his opinion that the line north of the St. John claimed by the United States, is not the line intended by the treaty.

The undersigned avails himself of this occasion to renew to Mr. Forsyth the assurances of his high respect and consideration.

H. S. FOX.

The Honorable JOHN FORSYTH,
Secretary of State.

Mr. Fox to Mr. Forsyth.

WASHINGTON, January 10, 1838.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has received the orders of his Government to make the following communication to the Secretary of State of the United States, with reference to the question pending between the two Governments upon the subject of the northeastern boundary.

The undersigned is, in the first instance, directed to express to Mr. Forsyth the sincere regret of her Majesty's Government, that the long continued endeavors of both parties to come to a settlement of this important matter have hitherto been unavailing. Her Majesty's Government feel an undiminished desire to co-operate with the cabinet of Washington for the attainment of an object of so much mutual interest, and they learn, with satisfaction, that their sentiments upon this point are fully shared by the actual President of the United States.

The communications which, during the last few years, have taken place between the two Governments with reference to the present subject, if they have not led to the solution of the questions at issue, have, at least, narrowed the field of future discussion.

Both Governments have agreed to consider the award of the King of the Netherlands as binding upon neither party; and the two Governments, therefore, are as free, in this respect, as they were before the reference to that sovereign was made.—The British Government, despairing of the possibility of drawing a line that shall be in literal conformity with the words of

the treaty of 1783, has suggested that a conventional boundary should be substituted for the line described by the treaty; and has proposed that, in accordance with the principles of equity, and in pursuance of the general practice of mankind in similar cases, the object of difference should be equally divided between the two differing parties, each of whom is alike convinced of the justice of its own claim.

The United States Government has replied that to such an arrangement it has no power to agree; that, until the line of the treaty shall have been otherwise determined, the State of Maine will continue to assume that the line which it claims is the true line of 1783, and will assert that all the land up to that line is territory of Maine; that, consequently, such a division of the disputed territory as is proposed by Great Britain, would be considered by Maine, as tantamount to a cession of what that State regards as a part of its own territory; and that the Federal Government has no power to agree to such an arrangement, without the consent of the State concerned.

Her Majesty's Government exceedingly regrets that such an obstacle should exist to prevent that settlement, which, under all the circumstances of the case, appears to be the simplest, the readiest, the most satisfactory, and the most just. Nor can her Majesty's Government admit that the objection of the State of Maine is well founded; for the principle on which that objection rests is as good for Great Britain as it is for Maine. If Maine thinks itself entitled to contend that, until the true line described in the treaty is determined, the boundary claimed by Maine must be regarded as the right one, Great Britain is surely still more entitled to insist upon a similar pretension, and to assert that, until the line of the treaty shall be established to the satisfaction of both parties, the whole of the disputed territory ought to be considered as belonging to the British crown; because Great Britain is the original possessor; and all the territory which has not been proved to have been, by treaty, ceded by her, must be looked upon as belonging to her still. But the very existence of such conflicting pretensions seems to point out the expediency of a compromise; and what compromise can be more fair than that which would give to each party one half of the subject matter of dispute?

A conventional line, different from that described in the treaty, was agreed to as stated by Mr. Forsyth, in his note of the 28th of April, 1835, with respect to the boundary westward from the Lake of the Woods. Why should such a line not be agreed to, likewise, for the boundary eastward from the river Connecticut?

Her Majesty's Government cannot refrain from again pressing this proposition upon the serious consideration of the Government of the United States, as the arrangement which would be best calculated to effect a prompt and satisfactory settlement between the two powers.

The Government of the United States, indeed, while expressed a doubt of its being able to obtain the assent of Maine to the abovementioned proposal, did, nevertheless, express its readiness to apply to the State of Maine for the assent of that State to the adoption of another conventional line, which should make the river St. John, from its source to its mouth, the boundary between the two countries. But it is difficult to understand upon what grounds any expectation could have been formed, that such a proposal could be entertained by the British Government.

For, such an arrangement would give to the United States even greater advantages than they would obtain by an unconditional acquiescence in their claim to the whole of the disputed territory; because such an arrangement would, in the first place, give to Maine all that part of the disputed territory which lies to the south of the St. Johns; and would, in the next place, in exchange for the remaining part of the disputed territory which lies to the north of the St. John, add to the State of Maine a large district of New Brunswick, lying between the United States boundary and the southern part of the course of the St. John; a district smaller, indeed, in extent, but much more considerable in value, than the portion of the disputed territory which lies to the north of the St. John.

But, with respect to a conventional line, generally, the Government of Washington has stated that it has not, at present, the powers constitutionally requisite for treating for such a line, and has no hopes of obtaining such powers until the impossibility of establishing the line described by the treaty shall have been completely demonstrated by the failure of another attempt to trace that line by a local survey.

Under these circumstances, it appears that a conventional line cannot, at present, be agreed upon, and that such a mode of settlement is, in the existing state of the negotiation, impossible.

Thus, then, the award of the King of the Netherlands has been abandoned by both parties, in consequence of its rejection by the American Senate; and a negotiation between the two Governments for a conventional line, suited to the interests and convenience of the two parties, has, for the present, been ren-

dered impossible, by difficulties arising on the part of the United States; and both Governments are alike averse to a new arbitration. In this state of things, the Government of the United States has proposed to the British cabinet that another attempt should be made to trace out a boundary, according to the letter of the treaty, and that a commission of exploration and survey should be appointed for that purpose.

Her Majesty's Government have little expectation that such a commission could lead to any useful result, and on that account would be disposed to object to the measure. But, at the same time, they are so unwilling to reject the only plan now left, which seems to afford a chance of making any further advance in this long pending matter, that they will not withhold their consent to such a commission, if the principle upon which it is to be formed, and the manner in which it is to proceed can be satisfactorily settled.

The United States Government have proposed two modes in which such a commission might be constituted; first, that it might consist of commissioners named in equal numbers by each of the two Governments, with an umpire to be selected by some friendly European power; secondly, that it might be entirely composed of scientific Europeans, to be selected by a friendly sovereign, and might be accompanied in its operations by agents of the two different parties, in order that such agents might give to the commissioners assistance and information.

If such a commission were to be appointed, her Majesty's Government think that the first of these two modes of constructing it, would be the best; and that it should consist of members chosen in equal numbers by each of the two Governments. It might, however, be better that the umpire should be selected by the members of the commission themselves, rather than that the two Governments should apply to a third power to make such a choice.

The object of this commission, as understood by her Majesty's Government, would be to explore the disputed territory, in order to find, within its limits, dividing highlands, which may answer the description of the treaty; the search being first to be made in the due north line from the monument at the head of the St. Croix; and if no such highlands should be found in that meridian, the search to be then continued to the westward thereof; and her Majesty's Government have stated their opinion that, in order to avoid all fruitless disputes as to the character of such highlands, the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty.

The United States Secretary of State, in his note of the 5th of March, 1836, expresses a wish to know how the report of the commission would, according to the views of her Majesty's Government, be likely, when rendered, to lead to an ultimate settlement of the question of boundary between the two Governments.

In reply to this inquiry, her Majesty's Government would beg to observe, that the proposal to appoint a commission originated not with them, but with the Government of the United States; and that it is, therefore, rather for the Government of the United States, than for that of Great Britain, to answer this question.

Her Majesty's Government have, themselves, already stated that they have little expectation that such a commission could lead to any useful result, and that they would, on that account, be disposed to object to it; and if her Majesty's Government were now to agree to appoint such a commission, it would be only in compliance with the desire, so strongly expressed by the Government of the United States, and in spite of doubts, which her Majesty's Government still continue to entertain, of the efficacy of the measure.

But with respect to the way in which the report of the commission might be likely to lead to an ultimate settlement of the question, her Majesty's Government, in the first place, conceive, that it was meant by the Government of the United States, that if the commission should discover highlands answering to the description of the treaty, a connecting line drawn from those highlands to the head of the St. Croix, should be deemed to be a portion of the boundary line between the two countries. But her Majesty's Government would further beg to refer the United States Secretary of State to the notes of Mr. McLane, of the 5th of June, 1833, and of the 11th and 28th of March, 1834, on this subject; in which it will be seen that the Government of the United States appears to have contemplated, as one of the possible results of the proposed commission of exploration, that such additional information might possibly be obtained, respecting the features of the country in the district to which the treaty relates, as might remove all doubt as to the impracticability of laying down a boundary in accordance with the letter of the treaty.

And if the investigations of the proposed commission should show that there is no reasonable prospect of finding a line strictly conformable with the description contained in the treaty of 1783, the constitutional difficulties which now prevent the

United States from agreeing to a conventional line, may possibly be removed; and the way may thus be prepared for the satisfactory settlement of the difference, by an equitable division of the disputed territory.

But if the two Government should agree to the appointment of such a commission, it would be necessary that their agreement should be first recorded in a convention; and it would obviously be indispensable that the State of Maine should be an assenting party to the arrangement.

The undersigned, in making the above communication, by order of her Majesty's Government, to the United States Secretary of State, Mr. Forsyth, has the honor to renew to him the assurance of his high respect and consideration.

H. S. FOX.

The Hon. JOHN FORSYTH,
Secretary of State.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, February 6, 1838. }

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, of the 10th ultimo, in which he presents, by direction of his Government, certain observations in respect to the construction to be given to that part of the award of the arbiter on the question of the northeastern boundary, which relates to the character in which the rivers St. Johns and Ristigouche are to be regarded in reference to that question. Sir Charles Vaughan, in his note to Mr. McLane of February 10, 1834, alleged that although the arbiter had not decided the first of the three main questions proposed to him, yet that he had determined certain subordinate points connected with that question, upon which the parties had entertained different views, and among others, that the rivers St. John and Ristigouche could not be considered, according to the meaning of the treaty, as "rivers flowing into the Atlantic." The undersigned, in his note to Sir Charles R. Vaughan, of the 28th of April, 1835, questioned the correctness of the interpretation which had been given by Sir Charles to the award of the arbiter in this particular; and after quoting that part of the award to which Sir

Charles was supposed to refer as containing the determination by the arbiter of the point just mentioned, observed that it could not but appear from further reflection to Sir Charles, that the declaration that the Rivers St. John and Ristigouche could not be *alone* taken into view, without hazard, in determining the disputed boundary, was not the expression of an opinion that they should be altogether excluded in determining that question; or, in other words, that they could not be looked upon as rivers emptying into the Atlantic. The remarks presented by Mr. Fox, in the note to which this is a reply, are designed to show a misconception on the part of the undersigned of the true meaning of the passage cited by him from the award, and to support the construction which was given to it by Sir Charles Vaughan. Whether the apprehension entertained by the one party or the other of the opinion of the arbiter upon this minor point be correct, is regarded by the undersigned as a matter of no consequence in the settlement of the main question. The Government of the United States never having acquiesced in the decision of the arbiter that "the nature of the difference, and the vague and not sufficiently determinate stipulations of the treaty of 1783, do not permit the adjudication of either of the two lines respectively claimed by the interested parties to one of the said parties, without wounding the principles of law and equity with regard to the other," cannot consent to be governed in the prosecution of the existing negotiation by the opinion of the arbiter upon any of the preliminary points about which there was a previous difference between the parties, and the adverse decision of which has led to so unsatisfactory, and, in the view of this Government, so erroneous a conclusion. This determination, on the part of the United States, not to adopt the premises of the arbiter, while rejecting his conclusion, has been heretofore made known to her Majesty's Government; and, while it remains, must necessarily render the discussion of the question what those premises were, unavailing, if not irrelevant. The few observations which the undersigned was led to make in the course of his note to Sir Charles R. Vaughan, upon one of the points alleged to have been thus determined, were prompted only by a respect for the arbiter, and a consequent anxiety to remove a misinterpretation of his meaning, which alone, it was believed, could induce the supposition that the arbiter, in searching for the rivers referred to in the treaty, as designating the boundary, could have come to the opinion that the two great rivers whose waters pervaded the whole district in which the search was made, and constituted the most

striking objects of the country, had been entirely unnoticed by the negotiators of the treaty, and were to be passed over unheeded in determining the line, while others were to be sought for, which, he himself asserts, could not be found. That the imputation of such an opinion to the respected arbiter could only be the result of misinterpretation, seemed the more evident, as he had himself declared, that "it could not be sufficiently explained how, if the high contracting parties intended, in 1783, to establish the boundary at the south of the river St. John, that river to which the territory in dispute was, in a great measure, indebted for its distinctive character, had been neutralized and set aside." It is under the influence of the same motives that the undersigned now proceeds to make a brief comment upon the observations contained in Mr. Fox's note of the 10th ultimo, and thus to close a discussion which it can answer no purpose to prolong.

The passage from the award of the arbiter quoted by the undersigned in his note of the 28th April, 1835, to Sir Charles R. Vaughan, and the true meaning of which Mr. Fox supposes to have been misconceived, is the following: "If, in contradistinction to the rivers that empty themselves into the river St. Lawrence, it had been proper, agreeably to the language ordinarily used in geography, to comprehend the rivers falling into the Bays Fundy and des Chaleurs with those emptying themselves directly into the Atlantic Ocean, in the general denomination of rivers falling into the Atlantic Ocean, it would be hazardous to include into the species belonging to that class the rivers St. John and Ristigouche, which the line claimed at the north of the river St. John divides *immediately* from rivers emptying themselves into the river St. Lawrence, not with other rivers falling into the Atlantic Ocean, but *alone*; and thus to apply, in interpreting the delimitation established by a treaty, where each word must have a meaning, to two exclusively special cases, and where no mention is made of the genus (*genre*) a general expression which would ascribe to them a broader meaning," &c.

It was observed, by the undersigned that this passage did not appear to contain an expression of opinion by the arbiter that the rivers St. John and Ristigouche should be altogether excluded in determining the question of disputed boundary; or, in other words, that they could not be looked upon as "rivers emptying into the Atlantic." Mr. Fox alleges this to be a misconception of the meaning of the arbiter, and supposes it to have arisen from an erroneous apprehension by the undersigned

that the word "*alone*," is governed by the verb "*include*;" whereas he thinks that an attentive examination of the context will show that the word "*alone*" is governed by the verb "*divide*," and that the real meaning of the passage is this: "That the rivers flowing north and south from the highlands claimed by the United States may be arranged in two genera, the first genus comprehending the rivers which fall into the St. Lawrence, the second genus comprehending those whose waters, in some manner or other, find their way into the Atlantic; but that, even if, according to the general classification, and in contradistinction from rivers flowing into the St. Lawrence, the rivers which fall into the Bays of Chaleurs and Fundy might be comprised in the same genus with the rivers which fall directly into the Atlantic, still the St. John and the Ristigouche form a distinct species by themselves, and do not belong to the species of rivers which fall *directly* into the Atlantic; for the St. John and Ristigouche are not divided in company with any *such last mentioned rivers*." The undersigned considers it unnecessary to enter into the question, whether, according to the context, the circumstance expressed by the adverb "*alone*" has reference to the verb "*divide*," or to the verb "*include*;" because, even allowing it to refer to the former it does not appear to the undersigned that his interpretation of the passage is thereby impaired, or that of Mr. Fox sustained. The undersigned conceives that the arbiter contemplated two different *species* of rivers as admissible into the *genus* of those which "*fall into the Atlantic*," to wit: those which fall *directly* into the Atlantic, and those which fall into it *indirectly*; that the arbiter was further of opinion, though at variance with the idea entertained in that respect by the United States, that the rivers St. John and Ristigouche, emptying their waters into the Bays of Fundy and des Chaleurs, did not belong to the species of rivers falling *directly* into the Atlantic; that, if they were considered *alone*, therefore, the appellation of "*rivers falling into the Atlantic Ocean*," could not be regarded as applicable to them, because, to use the language of the award, it would be "*applying to two exclusively special cases, where no mention was made of the genus, a generical expression which would ascribe to them a broader meaning*." But it is not conceived that the arbiter intended to express an opinion, that these rivers *might not be included with others* in forming the *genus* of rivers described by the treaty as those which "*fall into the Atlantic*," and that, upon this ground, they should be wholly excluded in determining the question of the disputed boundary. While,

therefore, the undersigned agrees with Mr. Fox that the arbiter did not consider these rivers as falling directly into the Atlantic Ocean, the undersigned cannot concur in Mr. Fox's construction, when he supposes the arbiter to give as a reason for this, that they are not divided in company with any *such last mentioned rivers*; that is, with rivers falling *directly* into the Atlantic. Conceding as a point which it is deemed unnecessary for the present purpose to discuss, that the grammatical construction of the sentence, contended for by Mr. Fox, is the correct one, the arbiter is understood to say only, that those rivers are not divided *immediately* with others falling into the Atlantic, either directly or indirectly; but he does not allege this to be a sufficient reason for excluding them, when connected with other rivers divided mediately from those emptying into the St. Lawrence, from the genus of rivers "falling into the Atlantic." On the contrary, it is admitted in the award that the line claimed to the north of the St. John divides the St. John and Ristigouche in company with the Schoodiac lakes, the Penobscot, and the Kennebec, which are stated as emptying themselves *directly* into the Atlantic; and it is strongly implied in the language used by the arbiter, that the first named rivers might, in his opinion, be classed for the purposes of the treaty, with those last named, though not in the same *species*, yet in the same *genus* of "Atlantic rivers."

The reason why the St. John and Ristigouche were not permitted to determine the question of boundary in favor of the United States, is understood to have been, not that they were to be wholly excluded as rivers not falling into the Atlantic Ocean, as Mr. Fox appears to suppose, but because, in order to include them in that genus of rivers, they must be considered in connection with other rivers which were not divided *immediately* like themselves from the rivers falling into the St. Lawrence, but *mediately* only; which would introduce the principle that the treaty of 1783 meant highlands that divide, as well mediately as immediately, the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; a principle which the arbiter did not reject as unfounded or erroneous, but which, considered in connection with the other points which he had decided, he regarded as *equally realized by both lines*, and therefore as constituting an equal weight in either scale, and consequently affording him no assistance in determining the dispute between the respective parties.

The arbiter appears to the undersigned to have viewed the

rivers St. John and Ristigouche as possessing both a specific and a generic character—that considered *alone*, they were *specific*, and the designation in the treaty, of “rivers falling into the Atlantic,” was inapplicable to them; that, considered *in connection with other rivers*, they were *generic*, and were embraced in the terms of the treaty; but that, as their connection with other rivers would bring them within a principle, which, according to the views taken by him of other parts of the question, was equally realized by both lines, it would be hazardous to allow them any weight in deciding the disputed boundary. It has always been contended by this Government that the rivers St. John and Ristigouche were to be considered in connection with the Penobscot and Kennebec in determining the highlands called for by the treaty; and the arbiter is not understood to deny to them, when thus connected, the character of “rivers falling into the Atlantic Ocean.”

This construction of the arbiter’s meaning, derived from the general tenor of the context, it will be perceived, is not invalidated by the next succeeding paragraph cited by Mr. Fox, in which the Bays of Fundy and des Chaleurs are spoken of as *intermediaries*, whereby the rivers flowing into the St. John and Ristigouche reach the Atlantic Ocean; inasmuch as such construction admits the opinion of the arbiter to have been that the St. John and Ristigouche do not fall *directly* into the Atlantic, and that they thus constitute a *species* by themselves, while it denies that they are therefore excluded by the arbiter from the genus of “rivers falling into the Atlantic.”

The undersigned avails himself of this opportunity to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

To HENRY S. FOX, Esq.,
Envoy Extraordinary and Minister Plenipotentiary.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE, }
 Washington, February 7th, 1838. }

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him, on the 10th ultimo, by Mr. Fox, her Britannic Majesty’s Envoy Extraordinary and Minister Plenipotentiary at Washington, with regard to the question pending between the

two Governments upon the subject of the Northeastern Boundary, and to inform him that his communication has been submitted to the President. It has received from him the attentive examination due to a paper expected to embody the views of her Britannic Majesty's Government, in reference to interests of primary importance to both countries. But, whilst the President sees with satisfaction the expression it contains of a continued desire on the part of Her Majesty's Government to co-operate with this in its earnest endeavors to arrange the matter of dispute between them, he perceives with feelings of deep disappointment, that the answer now presented, to the propositions made by this Government with the view of effecting that object, after having been so long delayed, notwithstanding the repeated intimations that it was looked for here with much anxiety, is so indefinite in its terms as to render it impracticable to ascertain, without further discussion, what are the real wishes and intentions of her Majesty's Government respecting the proposed appointment of a commission of exploration and survey to trace out a boundary according to the letter of the treaty of 1783. The President, however, for the purpose of placing in the possession of the State of Maine the views of her Majesty's Government, as exhibited in Mr. Fox's note, and of ascertaining the sense of the State authorities upon the expediency of meeting those views, so far as they are developed therein, has directed the undersigned to transmit a copy of it to Governor Kent, for their consideration. This will be accordingly done without unnecessary delay, and the result, when obtained, may form the occasion of a further communication to her Majesty's Minister.

In the mean time the undersigned avails himself of the present occasion to offer a few remarks upon certain parts of Mr. Fox's note of the 10th ultimo. After adverting to the suggestion heretofore made by the British Government that a conventional line, equally dividing the territory in dispute between the two parties, should be substituted for the line described by the treaty, and regretting the constitutional incompetency of the Federal Government to agree to such an arrangement, without the consent of the State of Maine, Mr. Fox refers to the conventional line adopted, although different from that designated by the treaty, with respect to the boundary westward, from the Lake of the Woods, and asks "why should such a line not be agreed to, likewise, for the boundary eastward from the river Connecticut?" The reply to this question is obvious. The parallel of latitude adopted on the occasion referred to as a

conventional substitute for the treaty line, passed over territory within the exclusive jurisdiction of the General Government, without trenching upon the rights or claims of any individual member of the Union; and the legitimate power of the Government therefore, to agree to such line was perfect and unquestioned. Now, in consenting to a conventional line for the boundary eastward from the river Connecticut, the Government of the United States would transcend its constitutional powers, since such a measure could only be carried into effect by violating the jurisdiction of a sovereign State of the Union, and by assuming to alienate, without the color of rightful authority to do so, a portion of the territory claimed by the State.

With regard to the suggestion made by the undersigned, in his note of the 29th of February, 1836, of the readiness of the President to apply to the State of Maine for her assent to the adoption of a conventional line making the river St. John, from its source to its mouth the boundary between the United States and the adjacent British provinces, Mr. Fox thinks it difficult to understand upon what grounds an expectation could have been formed that such a proposal could be entertained by the British Government, since such an arrangement would give to the United States, even greater advantages than would be obtained by an unconditional acquiescence in their claim to the whole territory in dispute. In making the suggestion referred to, the undersigned expressly stated to Mr. Bankhead that it was offered, as the proposition on the part of Great Britain that led to it, was supposed to have been, without regard to the mere question of acres, the extent of territory lost or acquired by the respective parties. The suggestion was submitted in the hope that the preponderating importance of terminating, at once and forever, this controversy, by establishing an unchangeable and definite, and indisputable boundary, would be seen and acknowledged by her Majesty's Government, and have a correspondent weight in influencing its decision. That the advantages of substituting a river for a highland boundary could not fail to be recognised was apparent from the fact that Mr. Bankhead's note of 28th December, 1835, suggested the river St. John, from the point in which it is intersected by a due north line drawn from the monument at the head of the St. Croix to the southernmost source of that river, as a part of the general outline of a conventional boundary. No difficulty was anticipated on the part of her Majesty's Government, in understanding the grounds upon which such a proposal was expected to be entertained by it, since the precedent proposition of Mr.

Bankhead, just adverted to, although professedly based on the principle of an equal division between the parties, could not be justified by it, as it would have given nearly two-thirds of the disputed territory to her Majesty's Government. It was, therefore, fairly presumed, that the river line presented, in the opinion of her Majesty's Government, advantages sufficient to counterbalance any loss of territory, by either party, that would follow its adoption as a boundary. Another recommendation of the river line, it was supposed, would be found by her Majesty's Government in the fact that, whilst by its adoption, the right of jurisdiction alone would have been yielded to the United States over that portion of New Brunswick south of the St. John, Great Britain would have acquired the right of soil as well as of jurisdiction of the whole portion of the disputed territory north of the river. It is to be lamented that the imposing considerations alluded to have failed in their desired effect; that the hopes of the President in regard to them have not been realized; and, consequently, that her Britannic Majesty's Government is not prepared, at present, to enter into an arrangement of the existing difference between the two nations, upon the basis proposed.

It would seem to the undersigned, from an expression used in Mr. Fox's late communication, that some misapprehension exists on his part, either as to the object of this Government, in asking for information relative to the manner in which the report of a commission of exploration and survey might tend to a practical result in the settlement of the boundary question, or as to the distinctive difference between the American proposal for the appointment of such a commission, and the same proposition when modified to meet the wishes of her Majesty's Government. Of the two modes suggested, by the direction of the President, for constituting such a commission, the first is that which is regarded by her Majesty's Government with most favor, viz: the commissioners to be chosen, in equal numbers, by each of the two parties, with an umpire selected by some friendly European sovereign, to decide on all points on which they might disagree; with instructions to explore the disputed territory, in order to find, within its limits, dividing highlands, answering to the description of the treaty of 1783, in a due north or northwesterly direction from the monument at the head of the St. Croix, and that a right line drawn between such highlands and said monument, should form, so far as it extends, a part of the boundary between the two countries, &c. It is now intimated that her Majesty's Government will not withhold

its consent to such a commission, "if the principle upon which it is to be formed, and the manner in which it is to proceed, can be satisfactorily settled." This condition is partially explained by the suggestion afterwards made, that, instead of leaving the umpire to be chosen by some friendly European power, it might be better that he should be elected by the members of the commission themselves; and a modification is then proposed, that "the commission shall be instructed to look for highlands, which both parties might acknowledge as fulfilling the conditions of the treaty." The American proposition is intended,—and if agreed to, would doubtless be successful,—to decide the question of boundary definitively, by the adoption of the highlands reported by the commissioners of survey, and would thus secure the treaty line. The British modification looks to no such object. It merely contemplates a commission of boundary analagous to that appointed under the fifth article of the treaty of Ghent, and would, in all probability, prove equally unsatisfactory in practice. Whether highlands, such as are described in the treaty, do or do not exist, it can scarcely be hoped that those called for by the modified instructions, could be found. The fact that this question is still pending, although more than half a century has elapsed since the conclusion of the treaty in which it originated, renders it in the highest degree improbable that the two Governments can unite in believing that either the one or the other of the ranges of highlands, claimed by the respective parties, fulfils the required conditions of that instrument. The opinions of the parties have been over and over again expressed on this point, and are well known to differ widely. The commission can neither reconcile nor change these variant opinions, resting on conviction, nor will it be authorized to decide the difference. Under these impressions of the inefficiency of such a commission, was the inquiry made, in the letter of the undersigned, of March 5, 1836, as to the manner in which the report of the commission, as proposed to be constituted and instructed by her Majesty's Government, was expected to lead to an ultimate settlement of the question of boundary? The results which the American proposition promised to secure, were fully and frankly explained in previous notes from the Department of State; and had its advantages not been clearly understood, this Government would not have devolved upon that of her Majesty the task of illustrating them. Mr. Fox will therefore see, that, although the proposal to appoint a commission had its origin with this Government, the modification of the American proposition was, as

understood by the undersigned, so fundamentally important, that it entirely changed its nature; and that the supposition, therefore, that it was rather for the Government of the United States, than for that of Great Britain, to answer the inquiry referred to, is founded in misapprehension. Any decision, made by a commission constituted in the manner proposed by the United States, and instructed to seek for the highlands of the treaty of 1783, would be binding upon this Government, and could, without unnecessary delay, be carried into effect; but if the substitute presented by her Majesty's Government be insisted on, and its principles be adopted, a resort will then be necessary to the State of Maine, for her assent to all proceedings hereafter, in relation to this matter; since, if any arrangement can be made under it, it can only be for a conventional line, to which she must, of course, be a party.

The undersigned, in conclusion, is instructed to inform Mr. Fox, that, if a negotiation be entertained at all upon the inconclusive and unsatisfactory basis afforded by the British counter proposition or substitute, which possesses hardly a feature in common with the American proposition, the President will not venture to invite it, unless the authorities of the State of Maine, to whom, as before stated, it will be forthwith submitted, shall think it more likely to lead to a final adjustment of the question of boundary, than the General Government deems it to be, though predisposed to see it in the most favorable light.

The undersigned avails himself of the occasion to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c. &c.

DEPARTMENT OF STATE, }
Washington, March 1, 1838. }

SIR: The discussions between the Federal Government and that of Great Britain, in respect to the northeastern boundary of the United States, have arrived at a stage in which the President thinks it due to the State of Maine, and necessary to the intelligent action of the General Government, to take the sense of that State in regard to the expediency of opening a direct negotiation for the establishment of a conventional line; and, if it should deem an attempt to adjust the matter of controversy in that form advisable, then to ask its assent to the same. With this view, and to place the Government of Maine in full

possession of the present state of the negotiation, and of all the discussions that have been had upon the subject, the accompanying documents are communicated, which, taken in connection with those heretofore transmitted, will be found to contain that information.

The principles which have hitherto governed every successive administration of the Federal Government in respect to its powers and duties in the matter, are:

1st. That it has power to settle the boundary line in question with Great Britain, upon the principles and according to the stipulations of the treaty of 1783, either by direct negotiation, or, in case of ascertained inability to do so, by arbitration; and that it is its duty to make all proper efforts to accomplish this object by one or the other of those means.

2d. That the General Government is not competent to negotiate, unless perhaps on grounds of imperious public necessity, a conventional line involving a cession of territory to which the State of Maine is entitled, or the exchange thereof for other territory, not included within the limits of that State, according to the true construction of the treaty, without the consent of the State.

In these views of his predecessors in office, the President fully concurs, and it is his design to continue to act upon them.

The attention of the Federal Government has, of course, in the first instance been directed to efforts to settle the treaty line. A historical outline of the measures which have been successively taken by it, to that end, may be useful to the Government of Maine, in coming to a conclusion on the proposition now submitted. It will, however, be unnecessary here to do more than advert to the cardinal features of this protracted negotiation.

The treaty of peace between the United States of America and his Britannic Majesty, concluded at Paris, in September, 1783, defines the boundaries of the said States, and the following words taken from the second article of that instrument, are intended to designate a part of the boundary between those States and the British North American provinces, viz: "From the northwest angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of the Saint Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river," * * * *

"east by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence." An immediate execution of some of the provisions of this treaty was, however, delayed by circumstances on which it is now unnecessary to dwell; and, in November, 1794, a second treaty was concluded between the two parties. In the mean time, doubt having arisen as to what river was truly intended under the name of the St. Croix, mentioned in the treaty of peace, and forming a part of the boundary therein described, this question was referred, by virtue of the fifth article of the new treaty, to the decision of a commission appointed in the manner therein prescribed, both parties agreeing to consider such decision final and conclusive. The commissioners, appointed in pursuance of the 5th article of the treaty of 1794, decided by their declaration of October 25th, 1798, that the northern branch (Chepatnaticook) of a river called Scoodiac, was the true river St. Croix, intended by the treaty of peace.

At the date of the treaty of Ghent, December 24th, 1814, the whole of the boundary line from the source of the river St. Croix to the most northwesternmost point of the Lake of the Woods, still remained unascertained, and it was, therefore, agreed to provide for a final adjustment thereof. For this purpose the appointment of commissioners was authorized by the 5th article of the treaty of Ghent, with power to ascertain and determine the northwest angle of Nova Scotia, and the northwesternmost head of Connecticut river, in conformity with the provisions of the treaty of 1783, and to cause the boundary from the source of the river St. Croix to the river Iroquois, or Cataraugy, to be surveyed and marked according to the said provisions, &c. In the event of the commissioners differing, or both or either of them, failing to act, the same article made provision for a reference to a friendly sovereign or State. Commissioners were appointed under this article in 1815-16; but, although their sessions continued several years, they were unable to agree on any of the matters referred to them. Separate reports were accordingly made to both Governments, by the two commissioners, in 1822, stating the points on which they differed, and the grounds upon which their respective opinions had been formed. The case having thus happened, which made it necessary to refer the points of difference to a friendly sovereign or State, it was deemed expedient by the parties to

regulate this reference by a formal arrangement. A convention for the purpose was, therefore, concluded on the 29th of September, 1827; and the two Governments, subsequently, agreed on the choice of his Majesty the King of the Netherlands, as arbiter, who consented to act as such. The submission of the points of difference, three in number, was accordingly made to that sovereign, and his award, or rather written opinion, on the questions submitted to him, was rendered on the 10th of January, 1831. On the 7th of December following, the President communicated the award of the arbiter to the Senate of the United States, for the advice and consent of that body as to its execution, and, at the same time, intimated the willingness of the British Government to abide by it. The result was a determination, on the part of the Senate, not to consider the decision of his Netherland Majesty obligatory, and a refusal to advise and consent to its execution. They, however, passed a resolution in June, 1832, advising the President to open a new negotiation with his Britannic Majesty's Government for the ascertainment of the boundary between the possessions of the two powers on the northeastern frontier of the United States, according to the definitive treaty of peace. Of the negotiation subsequent to this event, it is deemed proper to take a more particular notice.

In July, the result of the action of the Senate in relation to the award, was communicated to Mr. Bankhead, the British Charge d'Affaires, and he was informed that the resolution had been adopted, in the conviction that the sovereign arbiter, instead of deciding the questions submitted to him, had recommended a specified compromise of them. The Secretary of State, at the same time, expressed the desire of the President to enter into further negotiation, in pursuance of the resolution of the Senate, and proposed that the discussion should be carried on at Washington. He also said that, if the plenipotentiaries of the two parties should fail in this new attempt to agree upon the line intended by the treaty of 1783, there would, probably, be less difficulty than before in fixing a convenient boundary, as measures were in progress to obtain from the State of Maine more extensive powers than were before possessed, with a view of overcoming the constitutional obstacles which had opposed themselves to such an arrangement; and he further intimated that the new negotiation would naturally embrace the important question of the navigation of the river St. John.

In April, 1833, Sir Charles R. Vaughan, the British Min-

ister, addressed a note to the Department of State, in which, hopeless of finding out, by a new negotiation, an assumed line of boundary which so many attempts had been fruitlessly made to discover, he wished to ascertain—first, the principle of the plan of boundary which the American Government appeared to contemplate as likely to be more convenient to both parties than those hitherto discussed; and, secondly, whether any, and what, arrangement for avoiding the constitutional difficulty alluded to, had yet been concluded with the State of Maine. Satisfactory answers, on these points, he said, would enable the British Government to decide whether it would entertain the proposition; but his Majesty's Government could not consent to embarrass the negotiation respecting the boundary by mixing up with it a discussion, regarding the navigation of the St. John as an integral part of the same question, or as necessarily connected with it.

In reply to this note, Mr. Livingston, under date of the 30th of April, stated that the arrangement spoken of in his previous communication, by which the Government of the United States expected to be enabled to treat for a more convenient boundary, had not been effected; and that, as the suggestion in regard to the navigation of the St. John was introduced merely to form a part of the system of compensation in negotiating for such a boundary, if that of the treaty should be abandoned, it would not be insisted on.

The proposition of the President for the appointment of a joint commission, with an umpire, to decide upon all points on which the two Governments disagree, was then presented. It was accompanied by a suggestion, that the controversy might be terminated by the application to it of the rule for surveying and laying down the boundaries of tracts, and of countries, designated by natural objects, the precise situation of which is not known, viz: that the natural objects called for as terminating points, should first be found, and that the lines should then be drawn to them from the given points, with the least possible departure from the course prescribed in the instrument describing the boundary. Two modes were suggested in which such commission might be constituted; first, that it should consist of commissioners to be chosen in equal numbers by the two parties, with an umpire selected by some friendly sovereign, from among the most skilful men in Europe; or, secondly, that it should be entirely composed of such men, so selected, to be attended in the survey and view of the country by agents appointed by the parties. This commission, it was afterwards

proposed, should be restricted to the simple question of determining the point designated by the treaty, as the highlands which divide the waters that fall into the Atlantic, from those which flow into the St. Lawrence; that these highlands should be sought for in a north or northwest direction, from the source of the St. Croix; and that a straight line, to be drawn from the monument at the head of that river, to those highlands, should be considered, so far as it extends, as a part of the boundary in question. The commissioners were then to designate the course of the line along the highlands, and to fix on the north-westernmost head of the Connecticut river.

In a note of 31st May, the British Minister suggested, that this perplexed and hitherto interminable question, could only be set at rest by an abandonment of the defective description of boundary contained in the treaty, by the two Governments mutually agreeing upon a conventional line, more convenient to both parties than those insisted upon by the commissioners, under the fifth article of the treaty of Ghent, or that suggested by the King of the Netherlands.

Mr. McLane remarked, in reply, June 5th, that the embarrassments in tracing the treaty boundary had arisen more from the principles assumed, and from the manner of seeking for it, than from any real defect in the description, when properly understood; that, in the present state of the business, the suggestion of Sir Charles R. Vaughan would add to the existing difficulties growing out of a want of power in the General Government, under the constitution of the United States, to dispose of territory belonging to either of the States of the Union, without the consent of the State; that as a conventional line to the south of, and confessedly variant from, that of the treaty, would deprive the State of Maine of a portion of the territory she claims, it was not probable that her consent to it would be given, while there remained a reasonable prospect of discovering the line of the treaty of 1783; and that the President would not be authorized, after the recent proceedings in the Senate, to venture now to agree upon a conventional line without such consent, whilst the proposition submitted in April, afforded not only a fair prospect, but, in his opinion, the certain means, of ascertaining the boundary called for by the treaty of 1783, and of finally terminating all the perplexities which have encompassed the subject.

In February, 1834, Sir Charles R. Vaughan, after submitting certain observations intended to controvert the positions assumed by the United States, on the subject of the constitu-

tional difficulty by which the American Government was prevented from acquiescing in the arrangement recommended by the King of the Netherlands for the settlement of the boundary in the neighborhood of the St. John, asserted that the two Governments bound themselves by the convention of September, 1827, to submit to an arbiter certain points of difference relative to the boundary between the American and British dominions; that the arbiter was called on to determine certain questions, and that if he has determined the greater part of the points submitted to him, his decision on them ought not to be set aside merely because he declares that one remaining point cannot be decided in conformity with the words of the treaty of 1783 and therefore recommends to the parties a compromise on that particular point; that the main points referred to the arbiter were three in number; that upon the second and third of these he made a plain and positive decision; that upon the remaining point he has declared that it is impossible to find a spot or to trace a line which shall fulfil all the conditions required by the words of the treaty for the northwest angle of Nova Scotia, and for the highlands along which the boundary from that angle is to be drawn; yet, that in the course of his reasoning upon this point, he has decided several questions connected with it, upon which the two parties had entertained different views, viz:

"1st. The arbiter expresses his opinion that the term 'highlands' may properly be applied, not only to a hilly and elevated country, but to a tract of land which, without being hilly, divides waters flowing in different directions; and, consequently, according to this opinion, the highlands to be sought for are not necessarily a range of mountains, but rather the summit level of the country.

"2d. The arbiter expresses his opinion that an inquiry as to what were the ancient boundaries of the North American provinces, can be of no use for the present purpose, because those boundaries were not maintained by the treaty of 1783, and had, in truth, never been distinctly ascertained and laid down.

"3d. The arbiter declares that the northwest angle of Nova Scotia, mentioned in the treaty of 1783, is not a point which was then known and ascertained; that it is not an angle which is created by the intersection of any lines of boundary at that time acknowledged as existing, but that it is an angle still to be found, and to be created by the intersection of new lines, which are hereafter to be drawn in pursuance of the stipulations of the treaty; and, further, that the nature of the country eastward of

the said angle affords no argument for laying that angle down in one place rather than in another.

"4th. He states that no just argument can be deduced for the settlement of this question, from the exercise of the rights of sovereignty over the fief of Madawaska and over the Madawaska settlement.

"5th. He declares that the highlands contemplated in the treaty should divide immediately, and not mediately, rivers flowing into the St. Lawrence and rivers flowing into the Atlantic; and that the word 'divide' requires contiguity of the things to be divided.

"6th. He declares that rivers falling into the Bay of Chaleur and the Bay of Fundy, cannot be considered, according to the meaning of the treaty, as rivers flowing into the Atlantic; and, specifically, that the rivers St. John and Ristigouche cannot be looked upon as answering to the latter description.

"7th. He declares that neither the line of boundary claimed by Great Britain, nor that claimed by the United States, can be adjudged as the true line, without departing from the principles of equity and justice as between the two parties."

It was the opinion of his Majesty's Government, Sir Charles alleged, that the decisions of the arbiter upon the second and third points referred to him, as well as upon the subordinate questions, ought to be acquiesced in, by the two Governments; and that in any future attempt to establish a boundary, whether in strict conformity with the words of the treaty of 1783, or by agreeing to the mode of settlement recommended by the arbiter, it would be necessary to adopt these seven decisions as a groundwork for further proceedings. That the British Government, therefore, previously to any further negotiation, claimed from the Government of the United States an acquiescence in the decisions pronounced by the arbiter upon all those points which he had decided; and, as a preliminary to any attempt to settle the remaining point by negotiation, to be satisfied that the Federal Government was possessed of the necessary powers to carry into effect any arrangement upon which the two parties might agree.

With respect to the proposition made by the American Government, Sir Charles thought that the difficulty which was found insurmountable as against the line recommended by the King of the Netherlands, viz: the want of authority to agree to any line which might imply a cession of any part of the territory to which the treaty, as hitherto interpreted by the United States, might appear to entitle one of the component States of

the Union, would be equally fatal to that suggested by Mr. Livingston, since a line drawn from the head of the St. Croix to highlands found to the westward of the meridian of that spot, would not be the boundary of the treaty, and might be more justly objected to by Maine, and with more appearance of reason, than that proposed by the arbiter.

The reply of Mr. McLane to the preceding note is dated on the 11th of March. He expressed his regret that his Britannic Majesty's Government should still consider any part of the opinions of the arbiter obligatory on either party; those opinions, the Secretary stated could not have been carried into effect by the President without the concurrence of the Senate, who, regarding them, not only as not determining the principal object of the reference, but as, in fact, deciding that object to be impracticable, and, therefore, recommending to the two parties a boundary not even contemplated, either by the treaty or by the reference, nor within the power of the General Government to take, declined to give their advice and consent to the execution of the measures recommended by the arbiter, but did advise the Executive to open a new negotiation for the ascertainment of the boundary, in pursuance of the treaty of 1783; and the proposition of Mr. Livingston, submitted in his letter of 30th of April, 1833, accordingly proceeded upon that basis. Mr. McLane denied that a decision, much less the expression of an opinion by the arbiter, upon some of the disputed points, but of a character not to settle the real controversy, was binding upon either party; and he alleged that the most material point in the line of the true boundary, both as it respects the difficulty of the subject, and the extent of territory and dominions of the respective Governments, the arbiter not only failed to decide, but acknowledged his inability to decide; thereby imposing upon both Governments the unavoidable necessity of resorting to further negotiation to ascertain the treaty boundary, and absolving each party from any obligation to adopt his recommendations. The Secretary also declined to admit that, of the three main points referred to the arbiter as necessary to ascertain the boundary of the treaty, he had decided two. On the first point, Mr. McLane said, it was not contended a decision was made, or that either the angle or the highlands, called for by the treaty, was found; and, on the third point an opinion merely was expressed, that it would be suitable to proceed to fresh operations to measure the observed latitude, &c.

The Secretary admitted that if the American proposition should be acceded to by his Majesty's Government, and the

commission hereafter to be appointed should result in ascertaining the true situation of the boundary called for by the treaty of 1783, that it would be afterwards necessary, in order to ascertain the true line, to settle the other two points according to which it should be traced. He therefore offered, if the American proposition should be acceded to, notwithstanding the obligatory effect of the decision of the arbiter on the point is denied, "to take the stream situated farthest to the northwest among those which fall into the northernmost of the three lakes, the last of which bears the name of Connecticut lake, as the northwesternmost head of the Connecticut river, according to the treaty of 1783;" and as it respects the third point referred to the arbiter, the line of boundary on the 45° of latitude, but upon which he failed to decide, the President would agree, if the proposition as to the first point was embraced, to adopt the old line surveyed and marked by Valentine and Collins in 1771 and 1772.

The Secretary then proceeded to state further and insuperable objections to an acquiescence, by the United States, in the opinions supposed to have been pronounced by the arbiter, in the course of his reasoning upon the first point submitted to him. He remarked that the views expressed by the arbiter on these subordinate matters could not be regarded as decisions within the meaning of the reference, but rather as postulates or premises, by which he arrived at the opinion expressed in regard to the point in dispute; by an acquiescence in them, therefore, as required by Great Britain, the United States would reject as erroneous the conclusion of the arbiter, whilst they would adopt the premises and reasoning by which it was attained, that the seven postulates or premises presented as necessary to be considered by the United States, are but part of those on which the arbiter was equally explicit in the expression of his views; that on others his reasoning might be considered as more favorable to the pretensions of this Government, and that no reason was perceived why an acquiescence in his opinions upon these, should not equally apply to all the premises assumed by him, and be binding upon both parties. Mr. McLane was, however, persuaded that there was no obligation on either Government to acquiesce in the opinion of the arbiter on any of the matters involved in his premises; that such acquiescence would defeat the end of the present negotiation; and that, as it appeared to be mutually conceded that the arbiter had not been able to decide upon the first and most material point, so as to make a binding decision, there could certainly be no greater

obligation to yield to his opinions on subordinate matters merely. The Secretary further observed, that the most material point of the three submitted to the arbiter, was that of the highlands, to which the President's proposition directly applies, and which are designated in the treaty of peace as the northwest angle of Nova Scotia, formed by a line drawn due north from the source of the St. Croix river to the highlands dividing the rivers, &c.; that the arbiter found it impossible to decide this point, and therefore recommended a new line, different from that called for by the treaty of 1783, and which could only be established by a conventional arrangement between the two Governments; that the Government of the United States could not adopt this recommendation, nor agree upon a new and conventional line, without the consent of the State of Maine; that the present negotiation proposed to ascertain the boundary according to the treaty of 1783, and for this purpose, however attained, the authority of the Government of the United States was complete; that the proposition offered by the Government of the United States, promised, in the opinion of the President, the means of ascertaining the true line, by discovering the highlands of the treaty; but the British Government asked the United States, as a preliminary concession, to acquiesce in the opinion of the arbiter upon certain subordinate facts; a concession which would, in effect, defeat the sole object, not only of the proposition, but of the negotiation, viz: the determination of the boundary according to the treaty of 1783, by confining the negotiation to a conventional line, to which this government had not the authority to agree. Mr. McLane also said that, if, by a resort to the plain rule now recommended, it should be found impracticable to trace the boundary according to the definitive treaty, it would then be time enough to enter upon a negotiation for a conventional substitute for it. He stated, in answer to the suggestion of Sir Charles R. Vaughan, that the objection urged against the line of the arbiter would equally lie against that suggested by Mr. Livingston; that the authority of the Government to ascertain the true line of the treaty was unquestionable, and that the American proposition, by confining the course to the natural object, would be a legitimate ascertainment of that line.

In a note dated March 16, Sir Charles R. Vaughan offered some observations upon the objections, on the part of the United States, to acquiesce in the points previously submitted to the American Government. He said that the adoption of the views of the British Government by the Government of the

United States, was meant to be the ground work of future proceedings, whether those proceedings were to be directed to another attempt to trace the boundary as proposed by the latter, or to a division of the territory depending upon a conventional line; he maintained that the arbiter had decided, as the British Government asserted, two out of the three main points submitted for his decision, viz: what ought to be considered as the northwesternmost head of the Connecticut, (but which the Government of the United States is only willing to admit conditionally) and the point relative to tracing the boundary along the 45° of latitude. This point, he observed, Mr. McLane wished to dispose of by adopting the old line of Collins and Valentine, which was suspected of great inaccuracy by both parties, and the only motive for retaining which was because some American citizens have made settlements upon territory that a new survey might throw into the possession of Great Britain. Sir Charles denied that the acquiescence of the United States in the seven subordinate points lately submitted by his Majesty's Government, would confine the negotiation to a conventional line, to which the President had no authority to agree; and affirmed that not a step could be taken by the commissioners to be appointed according to Mr. Livingston's proposition, notwithstanding the unlimited discretion which it was proposed to give them, unless the two Governments agreed upon two of the seven subordinate points: "the character of the land they are to discover as dividing waters according to the treaty of 1783; and what are to be considered as Atlantic rivers."

In answer to Mr. McLane's observation, that on many points the reasoning of the arbiter had been more favorable to the United States than to Great Britain, and that, therefore, acquiescence should equally apply to all the premises assumed, Sir Charles expressed his confidence that if acquiescence in them could facilitate the object which now occupied both Governments, they would meet with the most favored consideration. Sir Charles adverted to the obligations contracted under the 7th article of the convention, to the opinion of his Majesty's Government that they were binding, and its willingness to abide by the award of the arbiter; he referred to the small majority by which he supposed the award to have been defeated in the Senate of the United States, and a new negotiation advised to be opened; to the complicated nature of the plan proposed by the United States for another attempt to trace the boundary of the treaty; to the rejection of the points proposed by the

British Government to render that plan more practicable, &c.; and regretted, sincerely, that the award of the arbiter, which conferred upon the United States three-fifths of the disputed territory, together with Rouse's Point, a much greater concession than is ever likely to be obtained by a protracted negotiation, was set aside. An alleged insuperable constitutional difficulty having occasioned the rejection of the award, Sir Charles wished to ascertain, previously to any further proceedings, how far the General Government had the power to carry into effect any arrangement resulting from a new negotiation, the answer of Mr. McLane upon this point having been confined to stating that, should a new commission of survey, freed from the restriction of following the due north line of the treaty, find any where westward of that line, highlands separating rivers, according to the treaty of 1783, a line drawn from the monument at the source of the St. Croix, would be such a fulfilment of the terms of that treaty, that the President could agree to make it the boundary, without reference to the State of Maine.

Mr. McLane, under date of March 21, corrected the error into which Sir Charles had fallen, in regard to the proceedings on the award in the Senate of the United States, and showed that that body not only failed, but by two repeated votes of thirty-five and thirty-four to eight, refused to consent to the execution of the award, and, by necessary implication, denied its binding effect upon the United States; thus putting it out of the power of the President to carry it into effect, and leaving the high parties to the submission situated precisely as they were prior to the selection of the arbiter.

The President had perceived, Mr. McLane said, in all the previous efforts to adjust the boundary in accordance with the terms of the treaty of 1783, that a natural and uniform rule, in the settlement of disputed questions of location, had been quite overlooked; that the chief, if not only difficulty, arose from a supposed necessity of finding highlands corresponding with the treaty description in a due north line from the monument; but it was plain, that if such highlands could be any where discovered, it would be a legal execution of the treaty to draw a line to them from the head of the St. Croix, without regard to the precise course given in the treaty. It therefore became his duty to urge the adoption of this principle upon the Government of his Britannic Majesty, as perhaps the best expedient which remained for ascertaining the boundary of the treaty of 1783. The Secretary could not perceive, in the plan proposed, anything so complicated as Sir Charles appeared to sup-

pose; on the contrary, it was recommended to approbation and confidence by its entire simplicity. It chiefly required the discovery of the highlands, called for by the treaty, and the mode of reaching them, upon the principle suggested, was so simple that no observations could make it plainer. The difficulty of discovering such highlands, Mr. McLane said, was presumed not to be insuperable. The arbiter himself was not understood to have found it impracticable to discover highlands answering the description of the highlands of the treaty, though unable to find them due north from the monument, and certainly it could not be more difficult for commissioners on the spot to arrive at a conclusion satisfactory to their own judgment, as to the locality of the highlands.

Mr. McLane, in answer to Sir Charles's request for information on the subject, stated that the difficulty in the way of the adoption of the line recommended by the arbiter, was the want of authority in the Government of the United States to agree to a line, not only confessedly different from the line called for by the treaty, but which would deprive the State of Maine of a portion of territory to which she would be entitled according to the line of the definitive treaty; that by the President's proposition a commission would be raised not to establish a new line differing from the treaty of 1783, but to determine what the true and original boundary was, and in which of the two disagreeing parties the right to the disputed territory originally was; that, for this purpose, the authority of the original commissioners, if they could have agreed, was complete under the Ghent treaty, and that of the new commission proposed to be constituted could not be less.

Sir Charles R. Vaughan explained, under date of the 24th of March, with regard to his observation, "that the mode in which it was proposed by the United States to settle the boundary was complicated; that he did not mean to apply it to the adoption of a rule in the settlement of disputed questions of location, but to the manner in which it is proposed by the United States that the new commission of survey shall be selected and constituted."

On the 8th of December, 1834, Sir Charles R. Vaughan transmitted a note to the Department of State, in which, after a passing expression of the regret of his Majesty's Government, that the American Government still declined to come to a separate understanding on the several points of difference with respect to which the elements of decision were fully before both Governments, but, without abandoning the argument con-

tained in his note of 10th February last, he addressed himself exclusively to the American proposition for the appointment of a new commission to be empowered to seek, westward of the meridian of the St. Croix, highlands answering to the description of those mentioned in the treaty of 1783. He stated, with regard to the rule of surveying on which the proposition was founded, that however just and reasonable it might be, his Majesty's Government did not consider it so generally established and recognized as Mr. McLane assumed it to be; that, indeed, no similar case was recollected in which the principle asserted had been put in practice; yet, on the contrary, one was remembered, not only analogous to that under discussion, but arising out of the same article of the same treaty, in which the supposed rule was invested by the agents of the American Government itself; that the treaty of 1783 declared that the line of boundary was to proceed from the Lake of the Woods "in a due west course to the Mississippi;" but it being ascertained that such a line could never reach that river, since its sources lie south of the latitude of the Lake of the Woods, the commissioners, instead of adhering to the natural object, the source of the Mississippi, and drawing a new connecting line to it from the Lake of the Woods, adhered to the arbitrary line to be drawn due west from the lake, and abandoned the Mississippi, the specific landmark mentioned in the treaty.

Sir Charles further stated, that if the President was persuaded that he could carry out the principle of surveying he had proposed, without the consent of Maine, and if no hope remained, as was alleged by Mr. McLane of overcoming the constitutional difficulty in any other way until, at least this proposition should have been tried, and have failed, his Majesty's Government, foregoing their own doubts on the subject, were ready to acquiesce in the proceeding proposed by the President, if that proceeding could be carried into effect in a manner not otherwise objectionable; that "his Majesty's Government would consider it desirable that the principles on which the new commissioners would have to conduct their survey should be settled before-hand by a special convention between the two Governments;" that there was, indeed, one preliminary question, upon which it was obviously necessary the two Governments should agree before the commission could begin their survey with any chance of success, viz: What is the precise meaning to be attached to the words employed in the treaty to define the highlands which the commissioners are to seek for? that those highlands are to be distinguished from

other highlands by the rivers flowing from them, and those distinguishing rivers to be known from others by the situation of their mouths; that with respect to the rivers flowing south into the Atlantic ocean, a difference of opinion existed between the two Governments; that whilst the American Government contended that rivers falling into the Bay of Fundy were, the British Government contended that they were not, for the purposes of the treaty, rivers falling into the Atlantic ocean; and that the views and arguments of the British Government, on this point, had been confirmed by an impartial authority selected by the common consent of the two Governments, who was of opinion that the rivers St. John and Ristigouche were not Atlantic rivers within the meaning of the treaty, and that his Majesty's Government, therefore, trusted that the American cabinet would concur with that of his Majesty in deciding "that the Atlantic rivers which are to guide the commissioners in searching for the highlands described in the treaty are those which fall into the sea to the westward of the mouth of the river St. Croix;" that a clear agreement on this point must be an indispensable preliminary to the establishment of any new commission of survey; that till this point be decided no survey of commissioners could lead to a useful result, but that its decision turns upon the interpretation of the words of a treaty, and not upon the operations of surveyors; and his Majesty's Government, having once submitted it, in common with other points, to the judgment of an impartial arbiter, by whose award they had declared themselves ready to abide, could not consent to refer it to any other arbitration.

(In a note from the Department of State, dated 28th April, 1835, Sir Charles R. Vaughan was assured that his prompt suggestion, as his Britannic Majesty's Minister, that a negotiation should be opened for the establishment of a conventional boundary between the two countries, was duly appreciated by the President, who, had he possessed like powers with his Majesty's Government over the subject, would have met the suggestion in a favorable spirit.)

The Secretary observed that the submission of the whole subject, or any part of it, to a new arbitrator, promised too little to attract the favorable consideration of either party; that the desired adjustment of the controversy was consequently to be sought for in the application of some new principle to the controverted question; and that the President thought that by a faithful prosecution of the plan submitted by his direction, a settlement of the boundary in dispute, according to the terms of the treaty of 1783, was attainable.

With regard to the rule of practical surveying offered as the basis of the American proposition, he said, if it should become material to do so, which was not to be anticipated, he would find no difficulty either in fortifying the ground occupied by this Government in this regard, or in satisfying Sir Charles that the instance brought into notice by his Britannic Majesty's Government of a supposed departure from the rule, was not at variance with the assertion of Mr. Livingston repeated by Mr. McLane. The Secretary, therefore, limited himself to the remark that the line of demarcation referred to by Sir Charles, was not established as the true boundary prescribed by the treaty of 1783, but was a conventional substitute for it, the result of a new negotiation, controlled by other considerations than those to be drawn from that instrument only.

The Secretary expressed the President's unfeigned regret upon learning the decision of his Majesty's Government not to agree to the proposition made on the part of the United States without a precedent compliance by them with inadmissible conditions. He said that the views of this Government in regard to this proposal of his Majesty's Government, had been already communicated to Sir Charles R. Vaughan; and the President perceived with pain, that the reasons upon which these opinions were founded, had not been found to possess sufficient force and justice to induce the entire withdrawal of the objectionable conditions; but that, on the contrary, while his Majesty's Government had been pleased to waive for the present, six of the seven opinions referred to, the remaining one, among the most important of them all, was still insisted upon, viz: that the St. John and Ristigouche should be treated by the supposed commission as not being Atlantic rivers according to the meaning of those terms, in the treaty. With reference to that part of Sir Charles communication which seeks to strengthen the ground heretofore taken on this point by the British Government, by calling to its aid the supposed confirmation of the arbiter, the Secretary felt himself warranted in questioning whether the arbiter had ever given his opinion that the rivers St. John and Ristigouche cannot be considered, according to the meaning of the treaty, as rivers falling into the Atlantic; and he insisted that it was not the intention of the arbiter to express the opinion imputed to him.

The Secretary also informed Sir Charles that the President could not consent to clog the submission with the condition proposed by his Majesty's Government; that a just regard to the rights of the parties, and a proper consideration of his own

duties, required that the new submission, if made, should be made without restriction or qualification upon the discretion of the commissioners, other than such as resulted from established facts and the just interpretation of the definitive treaty, and such as had been heretofore, and were now again tendered to his Britannic Majesty's Government; that he despaired of obtaining a better constituted tribunal than the one proposed; that he saw nothing unfit or improper in submitting the question as to the character in which the St. John or Ristigouche were to be regarded, to the decision of an impartial commission; that the parties had heretofore thought it proper so to submit it, and that it by no means followed that because commissioners chosen by the parties themselves, without an umpire, had failed to come to an agreement respecting it, that the same result would attend the efforts of a commission differently selected. The Secretary closed his note by stating that the President had no new proposal to offer, but would be happy to receive any such proposition as his Britannic Majesty's Government might think it expedient to make, and by intimating that he was authorized to confer with Sir Charles, whenever it might suit his convenience and comport with the instructions of his Government, with respect to the treaty boundary, or a conventional substitute for it.

On the 4th of May, 1835, Sir Charles R. Vaughan expressed his regret that the condition which his Majesty's Government had brought forward as an essential preliminary to the adoption of the President's proposal had been declared to be inadmissible by the American Government.

Sir Charles confidently appealed to the tenor of the language of the award of the arbiter to justify the inference drawn from it by his Majesty's Government in regard to that point in the dispute which respects the rivers which are to be considered as falling directly into the Atlantic. The acquiescence of the United States in what was understood to be the opinion of the arbiter, was invited, he said, because the new commission could not enter upon their survey in search of the highlands of the treaty without a previous agreement between the two Governments, what rivers ought to be considered as falling into the Atlantic; and that if the character in which the Ristigouche and St. John were to be regarded, was a question to be submitted to the commissioners, the President's proposition would assume the character of a new arbitration, which had been already objected to by the Secretary. Sir Charles also stated that while his Majesty's Government had wished to maintain the decisions of the arbiter on subordinate points, their men-

tion had not been confined to those decided in favor of British claims; that the decisions were nearly balanced in favor of either party, and the general result of the arbitration was so manifestly in favor of the United States, that to them were assigned three-fifths of the territory in dispute, and Rouse's point, to which they had voluntarily resigned all claim.

Sir Charles acknowledged with much satisfaction the Secretary's assurance that if the President possessed the same power as his Majesty's Government over the question of boundary, he would have met the suggestion of a conventional line, contained in Sir Charles's note of the 31st of May, 1833, in a favorable spirit; he lamented that the two Governments could not coincide in the opinion that the removal of the only difficulty in the relations between them, was attainable by the last proposal of the President, as it was the only one in his power to offer in alleviation of the task of tracing the treaty line, to which the Senate had advised that any further negotiation should be restricted; he said that he was ready to confer with the Secretary whenever it might be convenient to receive him; and stated that, as to any proposition which it might be the wish of the United States to receive from his Majesty's Government respecting a conventional substitute for the treaty of 1783, it would, in the first instance, to avoid constitutional difficulties in the way of the Executive, be necessary to obtain the consent of Maine, an object which must be undertaken exclusively by the General Government of the United States.

Mr. Bankhead, the British Charge d'Affaires, in a note to the department dated 28th December, 1835, stated that during the three years which had elapsed since the refusal of the Senate to agree to the award of the King of the Netherlands, although the British Government had more than once declared its readiness to abide by its offer to accept the award, the Government of the United States had as often replied that, on its part, that award could not be agreed to; that the British Government now considered itself, by this refusal of the United States, fully and entirely released from the conditional offer which it had made; and that he was instructed distinctly to announce to the President, that the British Government withdrew its consent to accept the territorial compromise recommended by the King of the Netherlands.

With regard to the American proposition for the appointment of a new commission of exploration and survey, Mr. Bankhead could not see, since the President found himself unable to admit the distinction between the Bay of Fundy and the Atlantic

Ocean, how any useful result could arise out of the proposed survey; he thought, on the contrary, that if it did not furnish fresh subjects of difference between the two governments, it could, at least, only bring the subject back to the same point at which it now stood.

To the suggestion of the President, that the commission of survey should be empowered to decide the river question, Mr. Bankhead said, it was not in the power of his Majesty's Government to assent; that this point could not properly be referred to such a commission, because it turned upon the interpretation to be put upon the words of the treaty of 1783, and upon the application of that interpretation to geographical facts already well known and ascertained; and that therefore a commission of survey had no peculiar competency to decide such a question; that to refer it to any authority would be to submit it to a fresh arbitration; and that if his Majesty's Government were prepared to agree to a fresh arbitration, which was not the case, such arbitration ought necessarily, instead of being confined to one particular point alone, to include all the points in dispute between the two Governments; that his Majesty's Government could therefore only agree to such a commission, provided there were a previous understanding between the two Governments, that, although neither should be required to give up its own interpretation of the river question, yet "the commissioners should be instructed to search for highlands upon the character of which no doubt could exist on either side."

If this modification of the President's proposal should not prove acceptable, Mr. Bankhead observed, the only remaining way of adjusting the difference, would be to abandon altogether the attempt to draw a line in conformity with the words of the treaty, and to fix upon a convenient line to be drawn according to equitable principles and with a view to the respective interests and the convenience of the two parties. He stated that his Majesty's Government were perfectly ready to treat for such a line, and conceived that the natural features of the disputed territory would afford peculiar facilities for drawing it; that his Majesty's Government would therefore propose an equal division of the territory in dispute between Great Britain and the United States; and that the general outline of such a division would be that the boundary between the two States should be drawn due north from the head of the St. Croix river till it intersected the St. John, thence up the bed of the St. John to the southernmost source of that river, and from that point it

should be drawn to the head of the Connecticut river, in such manner as to make the northern and southern allotments of the divided territory as nearly as possible equal to each other in extent.

In reply to the preceding note, the Secretary, under date of February 29th, 1836, expressed the President's regret to find that his Britannic Majesty's Government adhered to its objection to the appointment of a commission, to be chosen in either of the modes heretofore proposed by the United States, and his conviction that the proposition on which it was founded, "that the river question was a question of treaty construction only," although repeated on various occasions by Great Britain, was demonstrably untenable, and indeed only plausible, when material and most important words of description in the treaty are omitted in quoting from that instrument. He said that while his Majesty's Government maintained their position, agreement between the United States and Great Britain on this point was impossible; that the President was, therefore, constrained to look to the new and conventional line offered in Mr. Bankhead's note; but that in such a line the wishes and interests of Maine were to be consulted; and that the President could not in justice to himself or that State, make any proposition utterly irreconcilable with her previously well known opinions on the subject; that the principle of compromise and equitable division was adopted by the King of the Netherlands in the line recommended by him; a line rejected by the United States because unjust to Maine; and yet that line gave to Great Britain little more than 2,000,000, while the proposition now made by his Majesty's Government secured to Great Britain of the disputed land more than 4,000,000 of acres; that the division offered by Mr. Bankhead's note was not in harmony with the equitable rule from which it is said to spring, and if it were in conformity with it, could not be accepted without disrespect to the previous decisions and just expectations of Maine. The President was far from attributing this proposition, the Secretary said, to the desire of his Majesty's Government to acquire territory; he doubted not that the offer, without regard to the extent of territory falling to the north or south of the St. John, was made by his Majesty's Government from a belief that the substitution of a river for a highland boundary would be useful in preventing territorial disputes in future; but although the President coincided in this view of the subject, he was compelled to decline the boundary proposed as inconsistent with the known wishes, rights, and decisions of the State.

The Secretary concluded by stating that the President, with a view to terminate at once all controversy, and, without regard to the extent of territory lost by one party or acquired by the other, to establish a definite and indisputable line would, if his Majesty's Government assented to it, apply to the State of Maine for its consent to make the river St. John, from its source to its mouth, the boundary between Maine and his Britannic Majesty's dominions in that part of North America.

Mr. Bankhead acknowledged, on the 4th of March, 1836, the receipt of this note from the department, and said that the rejection of the conventional line proposed in his previous note would cause his Majesty's Government much regret; he referred the Secretary to that part of his note of the 28th December last, wherein the proposition of the President for a commission of exploration and survey is fully discussed, as it appeared to Mr. Bankhead that the Secretary had not given the modification on the part of his Majesty's Government of the American proposition, the weight to which it was entitled; he said that it was offered with the view of meeting, as far as practicable, the wishes of the President, and of endeavoring, by such a preliminary measure to bring about a settlement of the boundary upon a basis satisfactory to both parties; that with this view he again submitted to the Secretary the modified proposal of his Majesty's Government, remarking that the commissioners who might be appointed were not to *decide* upon points of difference, but merely to present to the respective Governments the result of their labors, which it was hoped and believed would pave the way for an ultimate settlement of the question.

Mr. Bankhead considered it proper to state frankly and clearly, that the proposition offered in the last note from the department, to make the river St. John, from its source to its mouth, the boundary between the United States and his Majesty's province of New Brunswick, was one to which the British Government, he was convinced, would never agree.

On the 5th March, the Secretary expressed regret that his proposition to make the river St. John the boundary between Maine and New Brunswick, would, in the opinion of Mr. Bankhead, be declined by his Government; that the Government of the United States could not, however, relinquish the hope that the proposal when brought before his Majesty's cabinet and considered with the attention and deliberation due to its merits, would be viewed in a more favorable light than that in which it appeared to have presented itself to Mr. Bankhead.

If, however, the Secretary added, this expectation should be disappointed, it would be necessary, before the President consented to the modification of his previous proposition for the appointment of a commission of exploration and survey, to be informed more fully of the views of the British Government in offering the modification, so that he might be enabled to judge how the report of the commission, (which, as now proposed to be constituted, was not to decide upon points of difference,) would be likely to lead to an ultimate settlement of the question of boundary, and also which of the modes proposed for the selection of commissioners was the one intended to be accepted, with the modification suggested by his Britannic Majesty's Government.

In January last, Mr. Fox, the British Minister at Washington, made a communication to the Department of State, in which, with reference to the objection preferred by the American Government, that it had no power, without the consent of Maine, to agree to the arrangement proposed by Great Britain, since it would be considered by that State as equivalent to a cession of what she regarded as a part of her territory, he observed that the objection of the State could not be admitted as valid, for the principle on which it rested was as good for Great Britain as it was for Maine; that if the State was entitled to contend that, until the treaty line was determined, the boundary claimed by Maine must be regarded as the right one, Great Britain was still more entitled to insist on a similar pretension, and to assert that until the line of the treaty shall be established satisfactorily, the whole of the disputed territory ought to be considered as belonging to the British crown, since Great Britain was the original possessor, and all the territory which had not been proved to have been, by treaty, ceded by her, must be deemed to belong to her still. But, Mr. Fox said, the existence of these conflicting pretensions pointed out the expediency of a compromise; and why, he asked, as a conventional line different from that described in the treaty was agreed to with respect to the boundary westward from the Lake of the Woods, should such a line not be agreed to, likewise, for the boundary eastward from the Connecticut? Her Majesty's Government could not, he added, refrain from again pressing this proposition upon the serious consideration of the United States, as the arrangement best calculated to effect a prompt and satisfactory settlement between the two powers.

With reference to the American proposition to make the river St. John, from its mouth to its source, the boundary, Mr. Fox

remarked that it was difficult to understand upon what grounds any expectation could have been formed that such a proposal could be entertained by the British Government, for such an arrangement would give to the United States even greater advantages than they would obtain by an unconditional acquiescence in their claim to the whole of the disputed territory, because it would give to Maine all the disputed territory lying south of the St. John, and in exchange for the remaining part of the territory lying to the north of the St. John, would add to the State of Maine a large district of New Brunswick; a district smaller in extent, but much more considerable in value, than the portion of the disputed territory which lies to the north of the St. John:

With regard to the proposition for the appointment of a commission of exploration and survey, Mr. Fox stated that her Majesty's Government, with little expectation that it could lead to a useful result, but, unwilling to reject the only plan left which seemed to afford a chance of making a further advance in this matter, would not withhold their consent to such a commission, if the principle upon which it was to be formed, and the manner in which it was to proceed, could be satisfactorily settled; that of the two modes proposed in which such a commission might be constituted, her Majesty's Government thought the first, viz: that it might consist of commissioners named in equal numbers by each of the two Governments, with an umpire to be selected by some friendly European power, would be the best, but suggested that it might be better that the umpire should be selected by the members of the commission themselves, rather than that the two Governments should apply to a third power to make such a choice; that the object of this commission should be to explore the disputed territory, in order to find, within its limits, dividing highlands, which might answer the description of the treaty, the search to be made in a north and northwest line from the monument at the head of the St. Croix, and that her Majesty's Government had given their opinion that the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty.

In answer to the inquiry how the report of the commission would, according to the views of her Majesty's Government, be likely, when rendered, to lead to an ultimate settlement of the boundary question, Mr. Fox observed that, since the proposal for the appointment of a commission originated with the Government of the United States, it was rather for that Gov-

ernment than the Government of Great Britain to answer this question. Her Majesty's Government had already stated they had little expectation that such a commission could lead to any useful result, &c., but that her Majesty's Government, in the first place, conceived that it was meant by the Government of the United States, that if the commission should discover highlands answering to the description of the treaty, a connecting line from them to the head of the St. Croix, should be deemed to be a portion of the boundary between the two countries. Mr. Fox further referred the Secretary to the previous notes of Mr. McLean on the subject, in which it was contemplated, as one of the possible results of the proposed commission, that such additional information might be obtained of the features of the country as might remove all doubt as to the impracticability of laying down a boundary in accordance with the letter of the treaty. Mr. Fox said that if the investigations of the commission should show that there was no reasonable prospect of finding the line described in the treaty of 1783, the constitutional difficulties, which now prevented the United States from agreeing to a conventional line, might possibly be removed, and the way be thus prepared for a satisfactory settlement of the difference by equitable division of the territory; but, he added, in conclusion, if the two Governments should agree to the appointment of such a commission, it would be necessary that their agreement should be by a convention, and it would be obviously indispensable that the State of Maine should be an assenting party to the arrangement.

In acknowledging the receipt of Mr. Fox's communication at the department, he was informed, (7th February,) that the President experienced deep disappointment in finding that the answer, just presented on the part of the British Government, to the proposition made by this Government with the view of effecting the settlement of the boundary question, was so indefinite in its terms as to render it impracticable to ascertain, without further discussion, what were the real wishes and intentions of her Majesty's Government respecting the appointment of a commission of exploration and survey; but that a copy of it would be transmitted to the Executive of Maine, for the purpose of ascertaining the sense of the State authorities upon the expediency of meeting the views of her Majesty's Government, so far as they were therein developed.

Occasion was taken at the same time, to explain to Mr. Fox, in answer to the suggestion in his note of the 10th of January last, that the parallel of latitude adopted as a conventional sub-

stitute for the line designated in the treaty for the boundary westward from the Lake of the Woods, passed over territory within the exclusive jurisdiction of the General Government, without trenching upon the rights or claims of any member of the Union; and the legitimate power of the Government therefore to agree to such line was held to be perfect; but that in acceding to a conventional line for the boundary eastward from the river Connecticut, it would transcend its constitutional powers, since such a measure could only be carried into effect by violating the jurisdiction of a sovereign State, and assuming to alienate a portion of the territory claimed by such State.

In reply to the observation of Mr. Fox, that it was difficult to understand upon what ground an expectation could have been entertained that the proposition to make the St. John the boundary, would be received by her Majesty's Government, he was informed that the suggestion had been offered as the proposition on the part of Great Britain that led to it was supposed to have been, without regard to the extent of territory lost or acquired by the respective parties; and in the hope that the great importance of terminating this controversy, by establishing a definitive and indisputable boundary, would be seen and acknowledged by the British Government, and have a correspondent weight in influencing its decision; that the suggestion in Mr. Bankhead's note of 28th December, 1835, of a part of the river St. John, as a portion of the general outline of a conventional boundary, apparently recognized the superior advantages of a river over a highland boundary; and that no difficulty was anticipated on the part of her Majesty's Government in understanding the grounds upon which such a proposal was expected to be entertained by it, since the precedent proposition of Mr. Bankhead just alluded to, although based upon the principle of an equal division between the parties, could not be justified by it, as it would have given nearly two-thirds of the disputed territory to Great Britain; that it was, therefore, fair to presume that the river line, in the opinion of his Majesty's Government, presented advantages sufficient to counterbalance any loss of territory, by either party, that might accrue from its adoption; and it was also supposed that another recommendation of this line would be seen by Great Britain in the fact that, whilst, by its adoption, the right of jurisdiction alone would have been yielded to the United States over that portion of New Brunswick south of the St. John, Great Britain would have acquired the right of soil and jurisdiction of all the disputed territory north of that river.

To correct a misapprehension into which Mr. Fox appeared to have fallen, the distinctive difference between the American proposition for a commission, and the proposition, as subsequently modified by Great Britain, was pointed out; and he was informed that although the proposal originated with this Government, the modification was so fundamentally important, that it entirely changed the nature of the proposition; and that the supposition, therefore, that it was rather for the Government of the United States, than for that of Great Britain, to answer the inquiry preferred by the Secretary of State for information relative to the manner in which the report of the commission, as proposed to be constituted and instructed by the British Government, might tend to a practical result, was unfounded. Mr. Fox was also given to understand that any decision made by a commission constituted in the manner proposed by the United States, and instructed to seek for the highlands of the treaty of 1783, would be binding upon this Government, and could be carried into effect without unnecessary delay; but if the substitute presented by her Majesty's Government should be insisted on, and its principles be adopted, it would then be necessary to resort to the State of Maine for her assent in all proceedings relative to the matter, since any arrangement under it can only be for a conventional line to which she must be a party.

In conclusion, it was intimated to Mr. Fox, that if a negotiation be entertained by this Government at all, upon the unsatisfactory basis afforded by the British counter proposition or substitute, the President will not invite it, unless the authorities of the State of Maine shall think it more likely to lead to an adjustment of the question of boundary than the General Government deemed it to be, although predisposed to see it in the most favorable light.

Your excellency will perceive that, in the course of these proceedings, but without abandoning the attempt to adjust the treaty line, steps necessarily from the want of power in the Federal Government, of an informal character, have been taken to test the dispositions of the respective Governments upon the subject of substituting a conventional for the treaty line. It will also be seen, from the correspondence, that the British Government, despairing of a satisfactory adjustment of the line of the treaty, avows its willingness to enter upon a direct negotiation for the settlement of a conventional line, if the assent of the State of Maine to that course can be obtained.

Whilst the obligations of the Federal Government to do all in its power to effect a settlement of this boundary, are fully

recognized on its part, it has in the event of its being unable to do so specifically, by mutual consent, no other means to accomplish the object amicably, than by another arbitration, or a commission, with an umpire, in the nature of an arbitration. In the contingency of all other measures failing, the President will feel it to be his duty to submit another proposition to the Government of Great Britain, to refer the decision of the question to a third party. He would not, however, be satisfied in taking this final step without having first ascertained the opinion and wishes of the State of Maine upon the subject of a negotiation for the establishment of a conventional line, and he conceives the present the proper time to seek it.

I am, therefore, directed by the President, to invite your excellency to adopt such measures as you may deem necessary, to ascertain the sense of the State of Maine with respect to the expediency of attempting to establish a conventional line of boundary between that State and the British possessions, by direct negotiation between the Governments of the United States and Great Britain; and whether the State of Maine will agree, and upon what conditions, if she elects to prescribe any, to abide by such settlement, if the same be made? Should the State of Maine be of opinion that additional surveys and explorations might be useful, either in leading to a satisfactory adjustment of the controversy, according to the terms of the treaty, or in enabling the parties to decide more understandingly upon the expediency of opening a negotiation for the establishment of a line that would suit their mutual convenience, and be reconcilable to their conflicting interests, and desire the creation, for that purpose, of a commission, upon the principles and with the limited powers described in the letter of Mr. Fox, the President will, without hesitation, open a negotiation with Great Britain for the accomplishment of that object.

I have the honor to be,

With high consideration,

Your excellency's obedient servant,

JOHN FORSYTH.

To his excellency EDWARD KENT,

Governor of the State of Maine.

To the Senate and House of Representatives:

It becomes my duty to inform the two branches of the Legislature, that a vacancy now exists in the office of Major General of the First Division of the Militia of this State, occasioned by the resignation of Major General William Waterman, which has been accepted.

EDWARD KENT.

COUNCIL CHAMBER, }
March 17, 1838. }

To the Speaker of the House of Representatives:

In compliance with the request of the House of Representatives, I herewith return to that branch of the Legislature a "Resolve authorizing a loan in behalf of the State."

EDWARD KENT.

COUNCIL CHAMBER, }
March 22, 1838. }

To the Senate and House of Representatives:

I feel it my duty respectfully to call your attention to the propriety and expediency of taking some measures, before you separate, to express and urge the claims and rights of this State in relation to the fortifications and defences upon our coast and rivers. Former Legislatures have called the attention of the General Government to this subject, but the works have not yet been commenced, and no recent movement has been made. It is unnecessary for me to enter into a detail of reasons, which, at this moment particularly, justify and require a strong and urgent representation addressed to the General Government on this subject. Maine ought not to be left defenceless or exposed, in so many points, any longer. If her claims are presented by you, as representatives of the people, in respectful but strong language, we may confidently trust that they will not be neglected or postponed at this important crisis.

EDWARD KENT.

COUNCIL CHAMBER, }
March 22, 1838. }

STATE OF MAINE.

SECRETARY'S OFFICE, }
Augusta, May 11, 1838. }

I HEREBY CERTIFY, That the Resolves contained in this Pamphlet have been compared with the originals deposited in this office, and that they appear to be correctly printed, with the following exceptions, viz :—

On page 317 the word "Mayfield" should be "Maxfield"; on page 320 "78.70" should be "8.70," and "4.54" should be "74.54"; on page 321 "Fryer" should be "Frye"; on page 325 "Norman" should be "Newman"; on page 345 "Officer" should be "Office", and on page 350 "Buckman" should be "Bucknam."

SAMUEL P. BENSON, *Secretary of State.*

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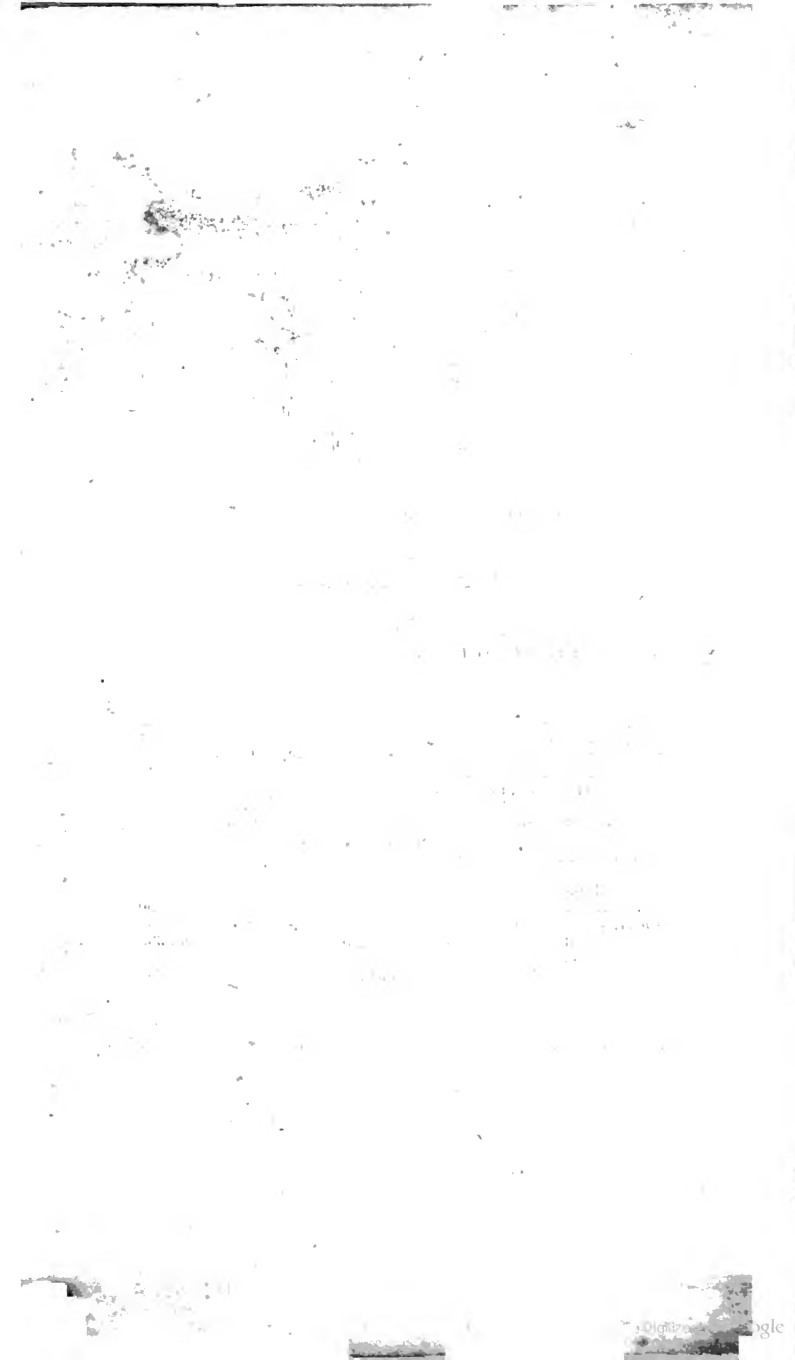
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